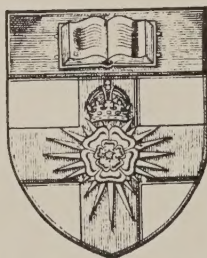


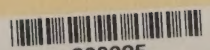
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ACCOUNTS AND PAPERS:

FORTY-FOUR VOLUMES.

— (42.) —

STATE PAPERS—*continued.*

TURKEY; UNITED STATES.

Session

11 February 1890 — 18 August 1890.

Ref

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1890.



ACCOUNTS AND PAPERS:

1890.

FORTY-FOUR VOLUMES:—CONTENTS OF THE
FORTY-SECOND VOLUME.

N.B.—*THE* Figures at the beginning of the line, correspond with the N^o at the foot of each Paper; and the Figures at the end of the line, refer to the MS. Paging of the Volumes arranged for *The House of Commons*.

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CORRESPONDENCE

RESPECTING THE

CONDITION OF THE POPULATIONS

IN

ASIATIC TURKEY,

AND THE

TRIAL OF MOUSSA BEY.

[In continuation of "Turkey No. 1, 1889:" C. 5723.]

*Presented to both Houses of Parliament by Command of Her Majesty.
February 1890.*

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Correspondence respecting the Condition of the Populations in Asiatic Turkey, and the Trial of Moussa Bey.

[In continuation of "Turkey No. 1, 1889:" C. 5723.]

No. 1.

Telegram addressed from Van to the Grand Vizier.—(Communicated to the Marquis of Salisbury by Rustem Pasha, August 9.)

(Traduction.)

Van, le 11 (23) Juillet, 1889.

AKRIBASSIAN OHANNÈS, de Van; Vartan, sujet Russe; le fugitif Koulaksizian, de Van, et leurs compagnons avaient trouvé le châtiment qu'ils méritaient au moment où, ayant dépassé la frontière du côté de la Perse, ils se livraient au brigandage dans l'intention séditeuse de troubler la paix et la tranquillité publiques, ainsi qu'il est confirmé par les papiers trouvés sur eux et par d'autres informations véridiques.

Nous apprenons maintenant que les nommés Terzi Backi Agha Artin, Kéckieh Agha Ohannès, Maroutian Mighirditch, quelques prêtres et leurs compagnons qui, sans être élus par le peuple, continuent à fréquenter, contrairement aux dispositions du Règlement *ad hoc*, l'Archevêché en qualité de membres des Conseils civils et religieux et dont nous avons précédemment exposé tant au Palais Impérial qu'à votre Altesse et au Patriarcat les actions et opinions subversives et intéressées, avaient répandu la fausse rumeur que les brigands susmentionnés n'étaient que de simples voyageurs et qu'ils avaient été tués injustement.

Comme il est probable que les membres et affiliés des Comités révolutionnaires siégeant à l'étranger, dont les dits brigands étaient des agents, fassent accroire dans certains pays que les Arméniens de Turquie sont en communion d'idées avec eux, nous osons, dans le but de proclamer la vérité, soumettre ce qui suit aux pieds du trône de Sa Majesté Impériale le Sultan.

Les Arméniens de Van ne se sont associés et ne s'associeront jamais aux faits et gestes auxquels des individus tels qu'Akribassian, Koulaksizian, et autres aventuriers de cette catégorie, poussés par des intrigants et des malveillants agissant de l'étranger, viennent, sous le prétexte et la fausse apparence de patriotisme et d'aspirations nationales, se livrer contre le Gouvernement Impérial, en vue de soulever des troubles. L'histoire est là pour constater que grâce à la justice paternelle de Sa Majesté Impériale le Sultan, tous les Arméniens vivant sous l'égide du Gouvernement Impérial ont toujours conservé, dans une mesure qui n'a de pareille dans aucun des autres pays où se trouvent également des Arméniens, leur religion, leur langue, et leur nationalité et qu'ils y ont pleinement joui de tous les avantages de la tranquillité et de la paix. C'est donc en reconnaissance de ces bienfaits que les Arméniens continueront sûrement à marcher dans la voie de la fidélité et du dévouement dont ils ne se sont pas départis jusqu'à présent. Ceux qui préfèrent observer une conduite contraire sont comme les susnommés Akribassian, Koulaksizian, et consorts, des gens incapables de discerner le bien du mal et qui, ne possédant aucun bien, se nourrissent d'idées ambitieuses et cupides, en un mot, des gens sans aveu et sans profession dont les semblables se trouvent également et en plus grand nombre dans tous les pays et parmi toutes les autres nations. De même, les nouvelles ouvertement fausses que les susnommés Terzi Backi Oghlou Artin et consorts ont publiées sous la signature de certaines personnes de la crédulité et de la simplicité desquelles ils avaient abusé, en leur faisant croire à des informations erronées et malveillantes, ne peuvent avoir été forgées que dans une intention hostile au Gouvernement Impérial et à la nation Arménienne. Nous osons déclarer par conséquent qu'ils n'avaient d'autre but que de mettre une arme entre les mains de certaines perturbateurs Arméniens qui, dans quelques pays d'Europe, se livrent à des agissements nuisibles contre le Gouverne-

ment Impérial ou, pour mieux dire, pêchent en eau trouble pour le succès de leurs intrigues.

En soumettant ce qui précède aux pieds du trône de Sa Majesté Impériale nous osons la supplier de daigner continuer à ses fidèles sujets Arméniens sa bienveillance souveraine qui constitue leur unique soutien et fait leur seule ambition.

(Suivent 131 signatures.)

(Translation.)

Van, July 11 (23), 1889.

AKRIBASSIAN OHANNES, of Van; Vartan, a Russian subject; the fugitive Koulaksizian, of Van, and their companions, met with the punishment they deserved at the moment when, having crossed the frontier coming from Persia, they had taken to brigandage with the seditious intention of troubling public peace and tranquillity, as was proved by the papers found upon them and by other trustworthy information.

We now learn that Terzi Backi Agha Artin, Keckieh Agha Ohannes, Maroutian Mighirditch, some priests and their companions, who, without being elected by the people, continue, contrary to the provisions of the Regulations on the subject, to frequent the Archbishop's Palace as members of the Civil and Religious Councils, and whose subversive and self-interested actions and opinions we have previously denounced at the Imperial Palace and the Patriarchate as well as to your Highness, have spread a false rumour that the above-mentioned brigands were only simple travellers and had been killed unjustly.

As it is probable that the members and the associates of the revolutionary Committees which exist abroad, whose agents these brigands were, will encourage the belief in certain countries that the Armenians of Turkey have ideas in common with them, we venture, in order to proclaim the truth, to submit what follows at the foot of the throne of His Imperial Majesty the Sultan.

The Armenians of Van have not been and will never be implicated in the doings and acts which individuals such as Akribassian, Koulaksizian, and other adventurers of that category, instigated by intriguers and ill-disposed persons abroad, have committed against the Imperial Government, under the pretext and false appearance of patriotism and national aspirations, and in order to create disturbances. History shows that, thanks to the paternal favour of His Imperial Majesty the Sultan, all the Armenians living under the ægis of the Imperial Government have always retained their religion, their language, and their nationality to an extent which has no parallel in any of the other countries where Armenians are likewise to be found, and that they have fully enjoyed all the advantages of tranquillity and peace. In gratitude for these benefits, the Armenians will certainly continue to walk in the path of fidelity and devotion from which they have hitherto not swerved. Those who prefer to follow a different line of conduct are, like the above-named Akribassian, Koulaksizian, and their associates, persons who are incapable of discerning good from evil, and who, possessing no property at all, feed themselves on ambitious and greedy ideas; in a word, persons without employment or profession, such as are to be found equally and even in larger numbers in all countries and amongst all nations. Similarly, the false news which the above-named Terzi Backi Oghlou Artin and associates have openly invented, and which they have published under the signature of certain persons of whose credulity and simplicity they have taken advantage, making them believe erroneous and malevolent information, can only have been forged with a hostile intention towards the Imperial Government and the Armenian nation. We venture to declare, therefore, that their sole object was to place a weapon in the hands of certain Armenian agitators, who, in some European countries, indulge in proceedings injurious to the Imperial Government, or, in other words, fish in troubled waters for the benefit of their intrigues.

In submitting the above at the foot of the throne of His Imperial Majesty, we venture to beg that he will deign to bestow upon his faithful Armenian subjects the continuance of his sovereign favour, which constitutes their sole support and forms their one ambition.

(Here follow 131 signatures.)

No. 2.

Sir W. White to the Marquis of Salisbury.—(Received August 9.)

My Lord,

Therapia, July 29, 1889.

WITH reference to my despatch to your Lordship of the 1st instant,* forwarding copy of Mr. Devey's despatch of the 15th June to Colonel Chermside, I have the honour to inclose copy of a further despatch from Mr. Devey of the 28th ultimo, which I have received from Her Majesty's Consul at Erzeroum.

In this despatch Mr. Devey confirms his previous impression, that most of the signatories of the Armenian "Mazbata," which formed the subject of his previous despatch, belonged to the new party of Natanian Karabed Effendi, and threw considerable doubt on the authenticity of many of the other signatures, the list of which he has examined.

I have, &c.
(Signed) W. A. WHITE.

Inclosure in No. 2.

Vice-Consul Devey to Colonel Chermside.

Sir,

Van, June 28, 1889.

IN respect of the "Mazbata" mentioned in my despatch of the 15th instant as being addressed to His Majesty the Sultan by a section of the Armenians of Van, and of which I have now seen various copies published in numerous Constantinople journals, I have the honour to state that I have examined the list of 113 signatures thereto attached, and have every reason to confirm what I previously asserted, viz., that the persons who signed were mostly of the new party headed by Natanian Karabed Effendi, and that it should not necessarily be regarded as a general expression of the sentiments of even the Armenian townsmen. The majority of the chief families did not sign; of those who did, thirty-five distinct families may be counted: of these, three surnames have been counted twice, and two three times. Thirty-eight names are repeated as representing brothers, or near relations living in the same house; the remaining forty names appear to be entirely unknown: they might be servants in the households referred to, or, if separate families, are probably of so little account that not even the publication of their names in the newspapers suffices to withdraw them from their present unpretentious obscurity.

I have, &c.
(Signed) GEORGE POLLARD DEVEY.

No. 3.

Sir W. White to the Marquis of Salisbury.—(Received August 9.)

My Lord,

Therapia, July 29, 1889.

WITH reference to previous correspondence on the subject of outrages perpetrated by Kurds in the district of Urumiah, I have the honour to inclose herewith to your Lordship copy of a despatch addressed by Mr. Vice-Consul Devey to Her Majesty's Consul at Erzeroum of the 6th instant, copy of which I have received from that gentleman.

In this despatch Mr. Devey reports that Messrs. MacDowell and Wishart, two American missionaries, have been maltreated by the Nestorians of Ikhoubah, and that the Vali is inquiring into the matter.

I have, &c.
(Signed) W. A. WHITE.

Inclosure in No. 3.

Vice-Consul Devey to Colonel Chermside.

Sir,

Van, July 6, 1889.

I HAVE the honour to inform you that two American missionaries, Messrs. MacDowell and Wishart, of Urumiah, while returning there last May in company with several helpers and others after a journey in Hekkiari, were plundered, insulted, and maltreated by Ikhouba Nestorians inhabiting the village of Gundiktha. This affair has been brought to the notice of his Excellency the Vali, who is causing the necessary inquiry to be held.

I have, &c.

(Signed) GEORGE POLLARD DEVEY.

No. 4.

Sir W. White to the Marquis of Salisbury.—(Received August 9.)

My Lord,

Therapia, July 30, 1889.

WITH reference to my despatch of the 11th instant,* I have the honour to forward herewith a copy of a despatch from Her Majesty's Consul at Erzeroum, inclosing a Report by Mr. Vice-Consul Devey with regard to the revolutionary papers said to have been found on the bodies of Armenians killed as brigands on the Bashkaleh road.

I have, &c.

(Signed) W. A. WHITE.

Inclosure 1 in No. 4.

Colonel Chermside to Sir W. White.

Sir,

Ardish, Lake Van, July 15, 1889.

I HAVE the honour to forward to your Excellency one copy of Mr. Devey's despatch and its inclosures, on which subject telegraphic communication has also passed between Mr. Devey and your Excellency. There seems no doubt as to the seditious purposes of the three Armenians mentioned, nor, I think, as to the genuineness of some of the documents.

As I have pointed out in former Reports, I have had no doubt as to the existence of disaffection, revolutionary aspirations, and also a certain degree of political restlessness among the Armenians of the Van district, and in a far more marked degree in that district than elsewhere.

At the same time, the above is not a matter that could *per se* cause real disquietude to the Porte, the capacity for organization and cohesion being a minimum, and the importance of such felling depending on external support. The hollowness and puerility of the farce of the three pedagogues masquerading as brigands is best illustrated from their diary. (Inclosure No. 4 in Mr. Devey's despatch.)

As pointed out by Mr. Devey, the appeal to public opinion in print by the publication of the Governor-General's telegram is a new departure in Turkish diplomacy, which has hitherto maintained a uniform and dignified silence under just or unjust attacks.

I have, &c.

(Signed) H. CHERMSIDE.

Inclosure 2 in No. 4.

Vice-Consul Devey to Colonel Chermside.

Sir,

Van, July 6, 1889.

I HAVE the honour to inform you that the Vali has handed to me the papers, of which translations are inclosed, stating that the Central Government had requested

* See "Turkey No. 1 (1889)," p. 89.

him to do so, with the view that they should be ultimately brought to the notice of Her Majesty's Government. There is every reason to believe that the papers are genuine, and there can be little doubt that they were found upon or among the belongings of the three Armenians of whom two were killed a month ago near Choukh Gedik Pass.

In the Constantinople newspapers of Tuesday, the 25th June, a detailed account of this affair was published. At present I have seen only the papers "Oriental Advertiser" and "Saadet," but hear that translations appeared in all the Armenian papers, which were taken from the official "Tarik." As the "Saadet" claims to give a copy of a telegram from Van signed by the Vali of Van, Khalil (while the translation in the "Oriental Advertiser" is neither exact nor complete), I would wish to make some few remarks on it, and beg leave to express the opinion that the publication was not altogether discreet nor justifiable on the part of so high-placed a functionary as the Vali; that it is inaccurate in detail, and is calculated to give a false impression of Armenian revolutionary designs as regards Turkish Armenians, and that it will be found to have provoked much hostile criticism.

Before reviewing the account given by the Vali, it would be well to set forth what may be considered to be as near the truth as could possibly be gathered from the many conflicting statements set afloat in respect of this unhappy affair.

Two young men of Van, named Kulaksizian and Akribesian Ohannes (the latter has a brother resident here), went some time ago as school teachers to a large Armenian village, Heftevan, of the Salmas district in Persia. On the night of the 28th May last they started in disguise from Heftevan for Van in company with a Caucasian Armenian from Karabagh, named Vartan, evidently intending to promote sedition among the Turkish Armenians, and the poor success they met with may be gathered from their expressions about "stealing cheese" (*vide* Inclosure 4), which might perhaps be guessed to stand for winning recruits. On the ninth or tenth day out it seems they were resting to dine at the spring called Ganespi (near a village and pass of the same name), when a caravan including four zaptiehs and a telegraph "chaoush" and two muleteers approached from above. The Armenians endeavoured to escape observation, but the zaptiehs called to them to come and say who they were, and give up their guns. They replied they were travellers going to Van, and needed their guns to protect themselves, and would not give them up to zaptiehs, but to the proper authorities at Van. The zaptiehs then fired on them, killing Vartan on the spot. Kulaksizian made his escape; he has gone to Tiflis, and is, I believe, intending to proceed to London. Akribesian took shelter behind some rocks and opened fire on the zaptiehs, wounding one and killing a horse. He then rushed out on them, and though he received a ball in the leg, succeeded in dealing some severe wounds with his "kamma" (large Persian dagger) before he fell, when the zaptiehs are said to have mauled him severely, dragging his body about the rocks, and finally left him for dead, after seizing the rifles of the three, and the effects left behind by the cowardly Kulaksizian, who, the prime mover and inciter, is the first to desert his companions. The following morning several zaptiehs were sent out to bring in the corpses, and they found Akribesian living, I am told, and to prevent his telling tales, murdered him in cold blood. It is said that a considerable sum of money that should have been found on the Armenians had disappeared, and no mention made of it. The two corpses were buried the same day at Khoshab.

The Report of the Hamidiyyé Kaïmakam was to the effect that the Russian brigands from Gumri (Alexandropol) had attacked the caravan, and two had been shot; but when the papers found on the Armenians had been brought in here and translated, the Vali at once (*i.e.*, a week or so later) dispatched Avedis Effendi Batevian (the police officer mentioned in Mr. Lamb's letter of the 24th December, 1885), who had the bodies exhumed, and came back to report that he recognized Kulaksizian, but that the other man was unknown to him, and probably from Russia. Shortly after news was received that Kulaksizian was in Persia, and unharmed. Thereon Avedis Effendi, accompanied by five or six persons, went to make a fresh examination on the 26th June, twenty days after the affray; this time the report was they were Akribesian and Vartan. Previously to this, two zaptiehs who had been severely wounded were said to have received a gratification in money, and Avedis Effendi had been honoured with the decoration of the fourth class of the Medjidié. On the 24th June the decoration of the first class of the Medjidié was presented to the Vali, presumably in acknowledgment of his Excellency's zeal in dispersing these revolutionary brigands, as according to the telegraphic version of the 20th ultimo. These rewards and decorations have not produced an entirely good effect, for murmurs may be heard that the zaptiehs are allowed to shoot down and murder individuals with the sanction and approval of the Government.

In considering the revolutionary aspect of this incident, I venture to think that

an exaggerated view of its importance has been disseminated, many people here add purposely, and by the Vali, for the purposes of obtaining rewards for himself and his tools, and of confuting those Armenians who had protested passively or positively against the late manifesto signed under Natanian Karabed Effendi's auspices, as reported in my despatch of the 15th June.

M. Portukalian, the exiled schoolmaster often mentioned in previous correspondence of this Vice-Consulate, writes last April to his friend and correspondent Kulaksizian, a village schoolmaster in Persia, telling him an Armenian Patriotic Society has been formed, and asking him to promote it in these parts; he forwards a number of his journal "l'Arménie," and begs for news well authenticated from Van. Kulaksizian Karabed, a native of Van, was giving lessons in sundry schools here only about two years ago, but betook himself to Heftevan on account of what he considered to be the oppression of Armenians in Turkey. He there meets Akribesian, an ex-pupil of Portukalian, a brother school teacher, who, after trying various trades at Van, Batoum, Bitlis, Erzeroum, &c., had reverted again to pedagogy. Of Vartan, who was an intimate friend, while on a visit to Van eight years ago, of Akribesian, it is said that he also was teaching a school in a neighbouring village in Persia. These are the three persons who agree to come and stir up sedition in Turkey, and their proceedings may be learnt from Inclosure No. 4.

Kulaksizian has absolutely no influence here, and his two companions are all but unknown; it is said they purposed proceeding from here to Mush.

Next, there is the very damaging letter of Avedis Padighian, which mentions a Committee at Heftevan, recommends care that their organization be not discovered, speaks of deeds, not words, and refers to the Greek insurrection. Padighian, born a Protestant Armenian, of Bitlis, settled and married at Van several years ago. At one time he was running a chemist's shop, and has always practised photography, from which he earned a small livelihood. Hassan Pasha, the late Vali, used often to buy his photographs. About three years ago he made a contract with the authorities for taking the portraits of all malefactors in prison in the Vilayets Van, Bitlis, and Hekkiari, which was the reason of his visiting various places, including Bashkaleh and Mush. Last winter, on his return from the Caucasus, he got into trouble for having taken a view of the Castle Rock of Van. He was under arrest for a few hours, and on giving up the negative in question it was broken by the orders of the Tabur Aghassi.*

About this time the last-named functionary was stated to be proposing to establish a female detective service, and wished to enlist the wife of this Avedis. You, Sir, can judge, from your experience of the manners and customs of the country, and the strict seclusion and notions of propriety of Christian no less than Moslem women, what likelihood of success there was for such an idea, and whether the report then circulated, that the Tabur Aghassi had conceived a passion for the wife of Avedis, being a good-looking woman, may not have been true. As this woman was teaching in the Armenian missionaries' girls' school, leave was obtained for her to reside permanently within the missionaries' premises, and thus be out of reach of persecution.

Shortly after this, *i.e.*, last January, Avedis went off into Persia, thence to Tiflis and to London, where he was welcomed by the staff of the "Haiasdan" (*vide* their impression of the 15th June). As the "Haiasdan" states, there is no great danger in persons of the stamp of Avedis, a respectable middle-class Armenian, high and dry from the flood of local intrigue and quarrelling for office on account of his Protestant faith. The little danger there may be, and the positive harm, as I have mentioned elsewhere, is in the "Haiasdan" and "l'Arménie" themselves, in their circulating outrageous exaggerations of the miseries to which Armenians are sometimes subjected, and in their inciting, as in the present case, the weak minds or lively imaginations of their compatriots to foolish proceedings.

The photographer Avedis, however, need not have gone into voluntary exile, but that he suspected (quite mistakenly) that two photographs he had been weak enough to take shortly after the war had fallen into the hands of the police. The pictures were of two groups (of seven and of about a dozen) of Armenians with guns, and were inscribed "Armenia's children," or "band of patriots," or something of the kind. I believe the revolutionists in question proceeded to no further overt act of rebellion than that of having their photographs taken.

As to the main accusation, *viz.*, that a Committee exists in Heftevan, in Persia, for the purpose of stirring up revolt in Turkey, I am not in possession of any other information than what is contained in the inclosures forwarded, but, from internal evidence,

* I beg leave to draw your attention again to remarks on Dervish Effendi in my previous despatches.

should be inclined to believe that the propaganda had not spread wide nor taken deep root. The inclosures all date since the 18th March, 1889, and it is possible that the Committee consisted of no others than the three persons here named.

The Vali is playing with edged tools. He is opposing false representation to false representation, mazbata to mazbata, and intrigue to intrigue; though in this particular case he has a basis of truth to go on. In the Vali's telegram of the 20th June he speaks of brigands ("eshkia"). No act of brigandage can be adduced against the three schoolmasters who were masquerading at night in Kurdish costume except that they "stole cheese" (secured recruits) at the village Marsdoun. Zaptiehs are said to have been sent out to hunt down a body of eight brigands. These were the three Armenian schoolmasters, to whom five more were added at a considerable interval after the affray. The zaptiehs were accompanying a caravan which was bringing money and the wife of an army officer from Bashkaleh to Van, and were not sent out against brigands. But the Vali told me he had instructed the Hekkiari Mutessarif to be on the look-out for robbers, and cause caravans to be escorted if necessary. The words "reis" (chiefs), implying of a band of revolutionists, is a misrepresentation. "Nos plus intimes amis" is the translation as it appears in Inclosure 4.

It is absolutely false to say that Padighian "agitatem (fersad)." He was reputed a respectable, inoffensive, and well-behaved man whilst here; travelled about the country under pretext of taking photographs, as the Vali must have known. It is calumny to say that Kulaksizian was taught sedition ("tahsil-i-fersadet") at Etchmiadzin, and it amounts to nothing less to say that brigandage is not unprecedented ("na messbuck olmeyub") among the Armenians. Kulaksizian was stated to have been killed on the mistaken report of Avedis Batevian. His escape, since proved, detracts much from the satisfaction that may be felt at the *fiasco* made by the sedition-mongers. I now hear that the Vali is about to send in a more correct version of the incident.

I trust, Sir, that I shall not have fatigued you unnecessarily with this mass of detail, and that you may be able to go with me in the main deduction that the Vali has overdrawn the affair as regarded in the light of an insurrectionary movement, and that it by no means reflects spotless lustre on those concerned.

Rushing into print is a new departure in Turkish provincial administration. The Constantinople press is not the same as the London dailies.

An army officer made the remark that "'bakal' (grocer), 'bogós' (as though one were to say 'my chimney-sweep') would govern with more sense and prudence than Khalil Pasha."

I am, &c.
(Signed) GEORGE POLLARD DEVEY.

Inclosure 3 in No. 4.

M. Patiguan to M. Koulaksizian.

(Traduction.)

Mon cher Ami,

Londres, le 25 Avril, 1889.

HIER je suis arrivé ici et j'ai été reçu par M. H. Sévaslian. Grâce à son bon accueil, j'ai pu éviter beaucoup de difficultés que j'aurais dû rencontrer dans une ville aussi peuplée que Londres.

Ayant donné votre adresse, ainsi que celles de quelques personnes, il vous a envoyé un journal qui certes sera pour vous une nouveauté.

Ce journal ayant gagné une grande réputation dans les cercles officiels Anglais, Français, et Italiens, il y a lieu d'espérer que la question Arménienne sera protégée.

Pour vous donner plus d'espérance j'aurais bien voulu que vous lisiez les premiers numéros.

Le zèle que vous avez déployé étant un signe de progrès pour votre Comité, cela m'a permis de vous mettre en évidence, et j'ai tout lieu de croire que le progrès se fera sentir.

J'ai lu dans le journal "l'Armenia" un article parlant de Van et contenant quelques petites nouvelles me concernant, et quoique le susdit article n'eût pas de signature, je n'ai pas été long à comprendre que c'était vous qui l'avez écrit.

Il est très nécessaire que vous nous donniez des renseignements sur l'état actuel des habitants de Van, lesquels vous pouvez vous procurer par le canal des voyageurs. Veuillez aussi écrire vos articles brièvement, afin que les lecteurs ne s'en ennuiant et qu'ils s'y intéressent.

Le rédacteur m'a montré l'enregistrement d'un abonnement pour le Gouvernement Russe.

Ce n'est qu'après des peines et souffrances insupportables durant trois mois que j'ai pu me rendre ici. J'attribue tout cela au peu de soins que l'on a pris chez vous de mes affaires.

Mon départ pour Khoï m'ayant coûté £ T. 10 il vaudrait mieux aller à Tunis.

A Batoum mes amis m'ont accueilli avec une grande joie, tandis que à Tiflis j'ai été dépouillé par des voleurs et des gens soi-disant amis; donc on trouve plus de patriotes à Batoum qu'à Tiflis.

N'ayant pas reçu de nouvelles de ma famille je vous prie de vouloir bien la saluer de ma part. J'ai voulu envoyer aussi un de mes journaux à M. Stépan; enfin saluez-le de ma part et dites-lui que les journaux expédiés à son adresse ont été remis à la poste aujourd'hui avec les vôtres.

Il ne faut pas que votre organisation soit découverte, car il arrive souvent que par vanité on s'attribue telle ou telle qualité qu'on ne possède réellement; aussi si vous voulez rendre des services à la patrie, vous devez d'abord préparer des hommes et de l'argent et procéder comme les Grecs, qui n'ont commencé à agir qu'après avoir gardé le secret de leur organisation pendant sept ans: il faut donc plus de faits que de paroles.

L'adresse du rédacteur est portée sur le journal: si notre journal ne vous parvenait pas, il pourrait se faire que M. Stépan reçoive le sien; alors vous auriez recours à son adresse.

Par omission j'ai oublié de joindre à l'adresse de Salmash le nom du village Hevtevan que vous habitez.

Votre, &c.
(Signé) A. PATIGUIAN.

(Translation.)

My dear Friend,

London, April 25, 1889.

I ARRIVED here yesterday and was received by M. H. Sévaslian. Thanks to his kind reception, I have been able to avoid many difficulties which I might have met with in such a populous town as London.

Having given your address, as well as those of others, he has sent you a paper which will certainly be a novelty to you.

This newspaper having gained a great reputation in official English, French, and Italian circles, there is room for hope that the Armenian question will be upheld.

In order to give you greater hope I wish you could read the first numbers.

The zeal which you have shown, being a sign of progress for your Committee, has enabled me to bring you forward, and I have reason to believe that progress will be made.

I have read in the journal "Armenia" an article speaking of Van and containing some small items of news which concern me, and although this article had no signature, I was not long in concluding that it was you who had written it.

It is very necessary that you should supply us with information as to the present condition of the inhabitants of Van, which you can procure through the medium of travellers. Please also make your articles short, in order that the readers may not be bored and may be interested in them.

The editor showed me registration of a subscription by the Russian Government.

It is only after unbearable trouble and suffering for three months that I have been able to come here. I attribute all this to the little care that was taken of my affairs.

My departure for Khoï having cost me £ T. 10, it would be better to go to Tunis.

At Batoum my friends received me with great joy, whilst at Tiflis I was robbed by thieves and so-called friends; thus at Batoum one finds more patriots than at Tiflis.

Having received no news of my family, I shall be glad if you will kindly greet them on my behalf. I have also sent one of my newspapers to M. Stépan; greet him on my behalf, and tell him that the papers dispatched to his address were posted to-day with yours.

Your organization must not be discovered, for it frequently happens that through vanity people attribute to themselves such and such qualities which they do not in reality possess; so if you desire to render service to our country, you must first get

men and money and proceed like the Greeks, who only began to act after having preserved the secret of their organization for seven years: thus acts are more necessary than words.

The address of the editor is given in the paper: if your paper does not reach you, M. Stépan may receive his; you can then apply to him.

By inadvertence I forgot to add to the address of Salmash the name of the village Hevtevan where you live.

Yours, &c.
(Signed) A. PATIGUIAN.

Inclosure 4 in No. 4.

M. Portugalian to M. Koulaksizian.

Marseille, le 27 Avril, 1889.

Estimable M. G. Koulaksizian, compatriote respecté à Hevtevan,

À LA réception de votre lettre datée du 9 Avril, 1888, je me suis empressé de publier dans le journal "l'Armenia" tous les renseignements que vous m'avez envoyés, et recevez ci-joint un exemplaire que M. le Rédacteur m'a donné pour vous.

Quoique vous ne m'ayez plus écrit depuis votre dernière lettre j'ai reçu de vos nouvelles, et des renseignements superficiels par l'entremise de certains voyageurs de passage. Par ces nouvelles je vous exprime ma joie, et suis heureux de vous savoir en bonne santé, et professant la carrière de maître d'école dans un pays si habité par les Arméniens.

Vous me nommez bienfaiteur; sachez, cher ami, que je ne fais que remplir mon devoir, et de nouveau je vous remercie infiniment des bons sentiments que vous témoignez à mon égard.

Je vous serais très obligé si vous pouviez me donner quelques informations des pays vous avoisinant, et particulièrement sur Van; cependant, faites attention que ces nouvelles soient fondées.

Dans les dernières feuilles du journal "l'Armenia" vous pouvez comprendre que nous avons créé une Société Patriotique; donc, nous vous prions de faire tout votre possible pour le développement de notre Société dans votre pays.

Recevez aussi cinq exemplaires de notre Règlement.

Ayant appris que M. Ohanesse Okibassian et Stichan Adjemian se trouvent chez vous, veuillez les saluer de ma part. Inquiet de ne pas avoir des nouvelles de M. Roupin Adjemian, Professeur Constantinopolitain, qui se trouvait dans vos parages, nous avons recours à votre obligeance pour avoir des renseignements à son égard si vous en avez.

Dans le cas où vous ne receviez pas les feuilles de "l'Armenia" régulièrement, veuillez-nous dire quels sont les moyens nécessaires à employer pour les faire parvenir.

Recevez, &c.
(Signé) M. PORTUGALIAN.

(Translation.)

Marseilles, April 27, 1889.

Estimable M. G. Koulaksizian, respected fellow-countryman at Hevtevan,

ON receiving your letter dated the 9th April, 1888, I hastened to publish in the newspaper "Armenia" all the information you sent me, and I inclose a copy herewith which the editor gave me for you.

Although you have not written to me again since your last letter, I have received news of you, and a little information through the medium of certain travellers passing through. In accordance with what I have heard, I express my joy to you and am happy to know that you are in good health, and carrying on the profession of school-master in a country inhabited by so many Armenians.

You call be benefactor; know, dear friend, that I only fulfil my duty, and once more I thank you heartily for the kind sentiments you express in regard to me.

I should be much obliged if you could send me some information with regard to the districts in your neighbourhood, and especially with regard to Van; but be careful that such information is well founded.

By the latest issues of the journal "Armenia" you will understand that we have

formed a Patriotic Society; and we beg you to do all in your power for the development of our Society in your district.

I inclose also five copies of our Regulations.

Having learnt that M. Ohanesse Okibassian and Stichan Adjemian are with you, greet them on my behalf. Anxious at not having any news of M. Roupin Adjemian, Constantinople Professor, who was in your part of the country, we have recourse to your kindness to obtain information with regard to him in case you have any.

In the event of your not receiving the issues of the "Armenia" regularly, please let us know what means should be employed in order that they may reach you.

Receive, &c.

(Signed) M. PORTUGALIAN.

Inclosure 5 in No. 4.

Extracts from the Diary of M. Koulaksizian.

(Traduction.)

NON laissez-moi être tourmenté avec mes compatriotes. La foule vit encore dans les ténèbres et l'ignorance; je pourrai peut-être la secourir et essuyer les larmes de ses yeux.

Dans la nuit de Mardi, le 16 Mai, au 17 Mercredi, 1889, nous sommes parvenus à sortir de Havtevan; dans cette susdite nuit qui devait donner jour au Mercredi nous avons été obligés de tromper quelques personnes, même nos plus intimes amis, dans le but de réaliser notre départ en costume Kurde, ce qui nous rendait ridicules en présence de M. Movcesse Tatoyar, seul présent à la scène.

Au sortir de Havtevan nous nous sommes égarés, et après avoir marché toute la nuit nous arrivâmes à l'aube dans un vallon situé au bas du village Natcherva, pour y passer la journée, et nous remettre en route la nuit, ne pouvant voyager le jour.

Ce lieu, qui contient une dizaine de noyers séculaires et des fontaines aux eaux limpides, me font penser que ce site qui devait recevoir notre journée paraît avoir une signification sacrée; puisque les Kurdes n'y portent pas la main. Sur ce je vais dormir dans le creux d'un noyer; que Dieu me donne le repos!

Du 17 au 18 Mai nous quittons le vallon, sacré abri, de la vielle à 12 h. 30 m. du soir, et nous nous engageons dans un chemin rempli de descentes et de montées; mais bientôt fatigués, nous nous sommes jetés dans une ruine près Khassabara pour nous reposer et y passer la nuit; mais ce lieu étant froide et humide je n'ai pu dormir. Aussi au point du jour nous avons continué notre chemin jusque la frontière Turque; nous nous séparâmes du chemin Assirien, que nous laissions à notre gauche; pour nous diriger vers le nord, en nous précipitant à travers les rochers de la frontière Turque, où nous avons passé la journée.

Du 18 au 19 Mai, 1889, Vendredi, hors du village Biginzuerd (caza d'Albok) nous avons dormi dans une église nommée Sainte-Marie deux heures environ; ensuite nous nous sommes décidés à passer quatre journées dans une grotte près du village pour avoir une entrance avec Avede.

Du 19 au 20 Mai, 1889, Samedi, nous sommes sortis de cette grotte, pour nous rendre à Tehouk, et chemin faisant nous sommes arrivés au village Marse, lieu de notre rendezvous. En ce lieu nous avons changé d'idée, et nous nous décidâmes d'envoyer Ohanesse A. à Baets-Kalé pour explorer les affaires de Mgr. l'Evêque Ohanesse Pavouni. Quand à nous nous sommes restés dans une grotte qui était éloignée de deux heures environ du monastère.

Cette grotte avait environ 30 mètres de longueur, et l'on ne sait quelle est la cause de sa perforation. Cette grotte était très humide; tous nous portait à croire que les ours y habitent.

Ohanesse Akrabassian est parti. Le vol de fromage ne nous a pas réussi.

Le 21 Mai, 1889, Dimanche, Ohanesse Akrabassian n'a pas réussi à explorer les affaires de l'Evêque Ohanesse Pavouni; nous restons dans la grotte.

Le 22 Mai, 1889, Lundi, me rendant au village Marsdoun j'ai constaté les affaires de l'Evêque Ohanesse Pavouni, le misère et l'état moral des villageois; j'ai vu aussi de loin Bagdassar, du monastère de Hokostsvank. Après avoir volé du fromage nous nous sommes mis en route cette nuit.

Le 23 Mai, 1889, étant arrivé Mardi à la pointe du jour sur la montagne nous y sommes restés trois heures, et de là nous avons continué notre chemin, traversant les montagnes, et nous mangeâmes de beurre et buvâmes de l'eau de vie dans un vallon.

Le 24 Mai, 1889, Mercredi, chemin faisant nous sommes arrivés au sommet de Tehouk.

(Translation.)

NO leave me to be tormented with my fellow-countrymen. The crowd still lives in darkness and in ignorance; I may perhaps be able to help it, and to wipe the tears from its eyes.

During the night of Tuesday, the 16th May, to Wednesday, the 17th, 1889, we succeeded in getting out of Havtevan; during this night before Wednesday morning we were compelled to deceive several persons, even our most intimate friends, with the object of effecting our departure in Kurdish costume, which made us look ridiculous in presence of M. Movcesse Tatoyar, who was the only witness of the scene.

On leaving Havtevan we lost our way, and after walking all night we arrived at dawn in a valley situated beneath the village Natcherva, intending to remain there during the day and resume our route at night, not being able to travel during the day.

This spot, which contains a dozen secular walnut trees and fountains of clear water, makes me think that this site where we were to pass the day must have a sacred signification, as the Kurds do not interfere with it. I am now going to sleep in the hollow of a walnut tree; may God grant me repose!

From the 17th to the 18th May we left the valley—a blessed shelter from 12:30 in the morning until the evening—and we started on a road all up and down hill; but, soon tired, we threw ourselves down in a ruin near Khassabara to rest and to pass the night there; but this spot being cold and damp, I was unable to sleep. At daybreak we continued our route as far as the Turkish frontier; we kept away from the Assyrian road, which we left to our left, and directed our march towards the north, crossing the rocky ground of the Turkish frontier, where we passed the day.

From the 18th to the 19th May, 1889, Friday, outside the village of Biginzuerd (Caza of Albok), we slept in a church called St. Mary's for about two hours; we then decided to pass four days in a grotto near the village in order to obtain an interview with Avede.

From the 19th to the 20th May, Saturday, we left this grotto to proceed to Tchouk, and on the way we came to the village of Marse, the place of our meeting. Here we changed our plan, and we decided to send Ohannes A. to Baets-Kalé to inquire into the affairs of Mgr. the Bishop Ohannes Pavouni. As regards . . . , we remained in a grotto which was about two hours distant from the monastery.

This grotto was about 30 yards long, and it is not known how it was excavated. This grotto was very damp; everything tended to make us believe that it is inhabited by bears.

Ohannes Akrabassian is gone. We did not succeed in the theft of the cheese.

The 21st May, 1889, Sunday, Ohannes Akrabassian did not succeed in his inquiry into the affairs of the Bishop Ohannes Pavouni; we remained in the grotto.

The 22nd May, 1889, Monday, while proceeding to the village Marsdown, I made myself acquainted with the affairs of Bishop Ohannes Pavouni, the poverty and moral condition of the villagers; I also saw at a distance Bagdassar, from the monastery of Hokostsvank. After having stolen some cheese, we continued our route to-night.

The 23rd May, 1889, having arrived on Tuesday at daybreak on the mountain, we remained there three hours, and from there we continued our way, crossing the mountains, and we ate some butter and drank some brandy in a valley.

The 24th May, 1889, Wednesday, continuing our route, we arrived at the summit of Tchouk.

Inclosure 6 in No. 4:

Memorandum by M. Koulaksizian entitled "Ma dernière Décision, le 6 Mars, 1889."

(Traduction.)

JE suis à la fin de la dernière année où j'ai commencé à vivre et étant tombé dans le courant de la vie je ressemblais à un homme dont on avait bandé les yeux, qu'on avait isolé de la vie réelle, et qu'on gardait dans un monde imaginaire pendant de longues années; enfin on donne la liberté à cet homme d'entrer dans la vie réelle, le pauvre homme ouvre les yeux bandés depuis plusieurs années, il tombe dans un tel monde qui est tout contraire à la vie qu'il a menée jusqu'alors, chaque obstacle qu'il rencontre le fait glisser, il bat les pieds, souvent il tombe, mais il prend courage pour

se relever, il change de voie vers une autre direction espérant que cette nouvelle direction le conduira à un chemin plus juste, bien qu'il soit convaincu qu'il ne trouvera qu'un monde ressemblant plus ou moins à celui où il a vécu jusqu'alors.

Mais, hélas, il rencontre de nouveau les mêmes obstacles, il tombe de nouveau et se relève, et dans son désespoir il maudit sans savoir qui. . . . Il reprend courage pensant qu'il a lu dans un livre que le désespoir est une bassesse ; il se rappelle aussi que lui-même a juré de ressembler un héros dont parle ce livre.

Cependant on ne lui a pas enseigné comment il faut s'y prendre. Il s'arrête un moment, regarde autour de lui ; il voit partout la misère, la persécution, la bassesse, et la corruption humaine. Songeant à son enfance, il se frotte le front, et l'image effrayante du passé se présente à ses yeux ; il voit les supplices que ses parents ont soufferts, il voit ses compatriotes abandonnés et en désespoir par la persécution des cruels Turcs.

Enfin il se souvient qu'il a juré dans son enfance de secourir ses compatriotes quand il grandira et de ne pas se laisser traiter si impitoyablement.

Cet homme avait cet idéal, et lorsqu'on lui bandait les yeux il a pris l'engagement de suivre cet idéal jusqu'à la fin de sa vie, et de travailler pour la cause sacrée du bonheur de ses malheureux compatriotes ; c'est pour cette cause qu'il s'est laissé bander les yeux, pensant que sa force serait plus grande quand il travaillerait pour la réalisation de cet idéal. Les deux années de ma vie se sont écoulées de la même manière ; mais mes yeux aussi étaient bandés ; on ne m'avait pas non plus appris ce qui était nécessaire à mes penchants. Enfin, après être tombé il se relève, et après avoir tâtonné sans cesse durant les deux années, je me suis décidé à mourir pour la cause sacrée du bonheur d'un peuple malheureux.

Voilà quel était mon idéal, et ma résolution est de quitter la vie que j'ai menée jusqu'à présent et de m'appliquer à qui pour le moment est le moyen principal de servir cette cause ; c'est ma résolution inébranlable, que je suivrai jusqu'à la fin.

(Signé)

G. KOULAKSIAN.

(Translation.)

I HAVE arrived at the end of the last year when I began to live, and having drifted into the current of life, I resembled a man whose eyes had been bandaged, who had been isolated from real life, and kept in an imaginary world for many years ; at length this man is allowed to enter upon real life, the poor man opens his eyes which have been blindfolded for several years, he finds himself in a world totally different to the life which he has led up till then ; every obstacle that he meets causes him to stumble, he goes on foot, often he falls, but he takes courage and gets up again ; he changes his route towards another direction, hoping that this new way will lead him to a better road, although he is convinced that he will only discover a world resembling more or less that in which he has hitherto lived.

But, alas ! he once more encounters the same obstacles, again he falls and gets up, and, in his despair, he curses without knowing whom. . . . He takes courage again, thinking he has read in a book that despair is base ; he also calls to mind that he has himself sworn to resemble a hero mentioned in the book.

But he has not been taught how to set to work. He pauses a moment, looks around him ; in every direction he sees misery, persecution, and baseness, and human corruption. Thinking of his childhood, he passes his hand across his forehead, and the fearful vision of the past presents itself before his eyes ; he beholds the torture which his relatives have endured, he beholds his fellow-countrymen abandoned and despairing through the persecution of the cruel Turks.

Finally, he calls to mind that he has sworn in his childhood to assist his compatriots when he grew up, and not to allow himself to be so mercilessly treated.

This man had this ideal, and when his eyes were blindfolded he engaged to pursue this ideal all his life long, and to labour for the sacred cause of the happiness of his unhappy fellow-countrymen ; it is for this reason that he allowed his eyes to be blindfolded, thinking that his force would be greater in working for the realization of this ideal. Two years of my life passed in this manner ; but my eyes were also blindfolded ; and I had not been taught what was necessary for my inclinations. At length, after having fallen, he rises again, and after ceaselessly groping in the dark for two years, I have decided to die for the sacred cause of the happiness of an unhappy people.

Such was my ideal, and my determination is to leave the life I have hitherto led

and to apply myself to which is for the moment the chief means of serving this cause; this is my unshakable determination, which I shall pursue until the end.

(Signed) G. KOULAKSIZIAN.

No. 5.

The Archbishop of Canterbury to the Marquis of Salisbury.—(Received August 13.)

My Lord,

Addington Park, Croydon, August 12, 1889.

YOUR Lordship will, I am sure, be pleased to hear that Mr. Browne having been to Van to pay his respects to the Vali, has found him most kind. He has received the assurance of the Vali that he would render him all the assistance in his power towards the providing of schools, and that if the Nestorian Patriarch, Mar Shimoon, would write him a letter requesting leave to open schools, in which he stipulates that Turkish and Arabic should be taught, he will endeavour to obtain permission for the purpose, and that Mar Shimoon will be at liberty to give land for the building of the school.

Mar Shimoon has accordingly given land. His application is to include a request for leave to the English missionaries to teach in the schools, which, as I understand, are to be not "English" schools, but Mar Shimoon's schools. The Vali seemed to consider it desirable that the Nestorians should not be left in such extreme ignorance.

I am sure that this friendliness on the part of the Turkish authorities must be very largely due to the representations which, by your Lordship's desire, Her Majesty's Ambassador has made to the Porte.

I desire to express my best thanks for the great service done to us by his Excellency, and I further venture to request that, when Mar Shimoon's despatch is presented to the Porte, it may receive all that support which his Excellency is able to give by seconding the request, with all due acknowledgment for what has been already done.

I have, &c.

(Signed) EDW. CANTUAR.

No. 6.

The Marquis of Salisbury to Sir W. White.

Sir,

Foreign Office, August 14, 1889.

I TRANSMIT to your Excellency herewith a copy of a question put by Mr. Summers, M.P., in the House of Commons, respecting the condition of the Armenian subjects of the Sultan. I should be glad to receive any information you can obtain upon the points referred to by the honourable Member.

I am, &c.

(Signed) SALISBURY.

Inclosure in No. 6.

Question asked in the House of Commons, August 13, 1889.

Mr. Summers,—To ask the Under-Secretary of State for Foreign Affairs whether his attention has been called to the following allegations with respect to the condition of the Armenian subjects of the Sultan, viz., that at Diarbekir robberies and burglaries are being patronized by the Head of the local police, who has organized a gang of robbers from among the convicts;

That Kurdish ruffians recently strangled an Armenian merchant named Kevork, carried off his goods, and threw the corpse of their victim into the Tigris;

That at Mardin manifestos have been placarded calling upon the Mahommedans to massacre the infidels;

That the Sultan has ordered the dissolution of Armenian Societies engaged in commercial pursuits, and that the police have entered the premises of these Societies, and confiscated books, accounts, and money;

That the court-martial instituted at Yildiz under the presidency of Dervish

Pasha continues to sentence Armenians to years' hard labour or perpetual exile, and that the Rev. Boghos Vartabed, who was imprisoned last autumn on the petty charge of having published fifteen years ago a pamphlet on Armenian affairs, has been found guilty by this Tribunal, and condemned to perpetual banishment;

And, whether he is able to give the House any information with regard to these allegations; and, if not, whether he will cause inquiry to be made.

No. 7.

The Marquis of Salisbury to the Archbishop of Canterbury.

My Lord,

Foreign Office, August 17, 1889.

I HAVE the honour to acknowledge the receipt of your Grace's letter of the 12th instant, and to express the satisfaction with which I have heard of the friendly attitude adopted by the Vali of Van towards the Mission to the Nestorians, and of his offer to support the application of the Nestorian Patriarch, Mar Shimoon, for permission to open schools.

A copy of your Grace's communication will be forwarded to Her Majesty's Ambassador at Constantinople.

I have, &c.
(Signed) SALISBURY.

No. 8.

The Marquis of Salisbury to Sir W. White.

Sir,

Foreign Office, August 19, 1889.

I TRANSMIT to your Excellency herewith a copy of a letter from the Archbishop of Canterbury,* reporting the friendly attitude adopted by the Vali of Van towards the Mission to the Nestorians, and the offer of his Excellency to support an application by the Nestorian Patriarch for permission to open schools.

His Grace expresses his thanks for the services rendered by you to the Mission, as well as a hope that when Mar Shimoon's request reaches the Porte, it will receive your Excellency's support.

I am, &c.
(Signed) SALISBURY.

No. 9.

Sir W. White to the Marquis of Salisbury.—(Received August 23.)

My Lord,

Therapia, August 13, 1889.

WITH reference to my despatch of the 17th ultimo,† I have the honour to transmit a copy of a despatch from Colonel Chermside, forwarding a despatch from Mr. Devey, who states that several persons are proceeding to Constantinople to bring accusations against Moussa Bey.

Mr. Devey also reports a fresh murder at Van.

I have, &c.
(Signed) W. A. WHITE.

Inclosure 1 in No. 9.

Colonel Chermside to Sir W. White.

Sir,

Van, July 26, 1889.

I HAVE the honour to forward to your Excellency a copy of a despatch from Mr. Devey. I heard of the arrival at Erzeroum of Moussa Bey's accusers en route for the capital.

I am, &c.
(Signed) H. CHERMSIDE.

* No. 5.

† See "Turkey No. 1 (1889)," p. 89.

Inclosure 2 in No. 9.

Vice-Consul Devey to Colonel Chermiside.

Sir, *Van, July 26, 1889.*
 WITH reference to previous correspondence respecting Moussa Bey, you are doubtless aware that His Majesty the Sultan has issued an order, on Moussa Bey's complaining that he had been maligned, to the effect that sums of money should be paid by the Bitlis authorities to any persons desirous of prosecuting him at Constantinople, in order that they should be enabled to reach the capital.

I now hear that a large number of persons have taken advantage of this just measure, of whom several are Armenians and some Moslems.

In conjunction with this subject you may be interested to hear that the young daughter of Mouro, of Hartz village, in Mush Plain (mentioned in my despatch of the 27th April), who was carried off by night, and married, and placed in the house of a son of Moussa Bey, was lately brought into Court at Bitlis for the purpose of publishing her conversion to Islam. But it would seem she had completely deceived her new relations as to her intention of abjuring the Christian faith, and she at once, to the vexation of the Moslems assembled, declared she had been carried off by force, was and remained a Christian, and claimed to return to her mother's house. She was then restored to her relations.

A man named Basmajian Khatchmanoug, an ex-member of the Commercial Court, and said to have been of low character, has just been shot from the street by night in his own house in Bitlis. The murderers have not been arrested, and I am not aware of the motive of the crime.

I have, &c.
 (Signed) G. P. DEVEY.

No. 10.

Sir W. White to the Marquis of Salisbury.—(Received August 23.)

(Extract.) *Therapia, August 17, 1889.*

WITH reference to my despatch of the 22nd ultimo, announcing the appointment of Raouf Pasha to be Governor of Bitlis, I have the honour to inclose a copy of a despatch from Her Majesty's Consul-General at Beyrout reporting the arrival of Raouf Pasha's successor, Aziz Pasha.

Inclosure in No. 10.

Consul-General Eldridge to Sir W. White.

(Extract.) *Beyrout, July 30, 1889.*

I HAVE the honour to report that the Governor-General of Beyrout, Raouf Pasha, was very suddenly dismissed from his post some ten days ago, and that his successor, Aziz Pasha, arrived at this place on Thursday last by the Mahsoussé Company's steamer from Constantinople. His Excellency has already won golden opinions from the native population by his courtesy and genial manners, and he appears to be a man of considerable ability and intelligence.

Raouf Pasha has been appointed to the Vilayet of Bitlis, and will shortly proceed to Constantinople *en route* for his post.

No. 11.

Sir W. White to the Marquis of Salisbury.—(Received September 6.)

My Lord, *Therapia, August 30, 1889.*

BEFORE the receipt of your Lordship's despatch of the 14th instant, I had already inquired, by telegraph, of Mr. Boyadjian, British Vice-Consul at Diarbekir, as to what truth there was in the reports that at Diarbekir robberies were patronized by the Head of the Police, who was said to have organized a gang of robbers; that

Kurds had strangled an Armenian named Kerook; that at Mardin manifestos were placarded calling upon Mahomedans to massacre infidels; that the Sultan had ordered the dissolution of Armenian commercial Societies and confiscation of books, accounts, and money.

Mr. Boyadjian has now replied that he can almost positively state that the Sultan never has given such orders as these. As regards the other statements, he says that there is some truth in them, but they are either exaggerated or distorted, and states that he is sending a detailed Report by post, which I shall not fail to communicate to your Lordship when it reaches me.

I have, &c.
(Signed) W. A. WHITE.

No. 12.

Sir W. White to the Marquis of Salisbury.—(Received September 6.)

My Lord,

Therapia, August 30, 1889.

EVER since the receipt by me of your Lordship's instructions dated the 29th May,* 1889, on the subject of Moussa Bey, the Kurdish Chief, I have not ceased to urge by every proper means available to me the bringing to justice of that Chief of a powerful tribe, and not in the Turkish service, as has been alleged.

The first difficulty consisted in having him brought to Constantinople, and most well-informed persons doubted whether this would ever be accomplished. Still he is here, and there is every prospect now of his undergoing a regular trial.

The Sultan sent me a message on Friday, the 23rd instant, by one of his Secretaries, that the Court was ready to hear his case as soon as witnesses came forward prepared to give evidence.

This was no easy matter, and I need not trouble your Lordship with details with regard to the obstacles that had to be overcome in this direction.

From the accompanying copy of a Report received by me from Her Majesty's Consul at Trebizond, it appears that forty-seven witnesses, subjects of the Sultan, have arrived here, and I believe that they have been persuaded to come forward by the Government authorities, and under escort, and at the public expense.

So far I have no cause to complain of want of fair play, and there appears to be a reasonable prospect that the ends of justice will not be evaded, and that the fearful outrages of which this Chieftain is accused, and with details of which our press teems, will be properly sifted and examined in this capital.

I have, &c.
(Signed) W. A. WHITE.

Inclosure in No. 12.

Consul Longworth to Sir W. White.

Sir,

Trebizond, August 21, 1889.

WITH reference to my despatch of the 20th June last, I beg here, in confirmation of my telegram of yesterday, to inform your Excellency that, in answer to an invitation from the Porte, forty-seven persons from the Mush, Van, and Bitlis districts have left for Constantinople on board the British steamer "Tenedos," as plaintiffs and witnesses of Moussa Bey's misdeeds in Kurdistan.

I have, &c.
(Signed) H. Z. LONGWORTH.

No. 13.

Sir W. White to the Marquis of Salisbury.—(Received September 20.)

My Lord,

Therapia, September 11, 1889.

WITH reference to my despatch of the 30th ultimo, I have the honour to transmit herewith a copy of a despatch from Colonel Chermiside, inclosing one from

* See "Turkey No. 1 (1889)," p. 63.

Mr. Devey, on the subject of the witnesses who have come here to appear against Moussa Bey, and also giving the conclusion of the story of the daughter of Mouro, reported in Mr. Devey's despatch of the 27th April, inclosed in my despatch of the 30th May.

I have, &c.
(Signed) W. A. WHITE.

Inclosure 1 in No. 13.

Colonel Chermside to Sir W. White.

Sir, *Erzeroum, August 29, 1889.*
I HAVE the honour to forward to your Excellency two copies of Mr. Devey's despatch of the 26th ultimo. In all, thirty-four persons have passed through Erzeroum *en route* to Constantinople as accusers of Moussa Bey. Mr. Devey has been misinformed as to Basmajian Khatchmanoug, who is alive, and has not been shot at. Another man, named Khatchmanoukion, was shot, but not injured.

I have, &c.
(Signed) HERBERT CHERMSIDE.

Inclosure 2 in No. 13.

Vice-Consul Devey to Colonel Chermside, July 26, 1889.]

[See Inclosure 2 in No. 9.]

No. 14.

Sir W. White to the Marquis of Salisbury.—(Received September 20.)

My Lord, *Therapia, September 14, 1889.*

I HAVE the honour to forward to your Lordship a copy of a most valuable Report drawn up by Colonel Chermside on the subject of his journey to Van, Bitlis, and Moush, in which your Lordship will find a record of most instructive observations from the pen of that officer on the present condition of the districts traversed by him, and in which he states that "outrages by the Kurds on Christians, intertribal feuds, highway robbery, cattle-lifting, all exist," and adds that "none appear to him as frequent and as wholesale as they were."

The testimony of Colonel Chermside is so dispassionate, and based on local knowledge both from his present residence and former visits, that I consider it a valuable contribution to our information concerning the districts inhabited by Armenians.

When upon this subject I may allude to a correspondence from here, dated the 9th instant, which appears in the "Times" of Tuesday, the 10th September, 1889, and I may be allowed to state that I have no knowledge of any sitting of a Special Council on the subject of Armenia; but that as regards the correspondent's supposition, that Italy had made any remonstrances on that question at Constantinople, I believe the writer is entirely mistaken.

I have, &c.
(Signed) W. A. WHITE.

Inclosure in No. 14.

Colonel Chermside to Sir W. White.

Sir, *Erzeroum, August 29, 1889.*
I HAVE the honour to inform your Excellency that I have returned from a tour in Kurdistan from Erzeroum to Ardish, on Lake Van, Berghiri, Seraï, Van, Shattak, Mukus, Khizan, Bitlis, Moush, Ginja, and Erzeroum.

The quiet state of the country, and the relative security of the roads, as compared with my experiences eight to ten years ago, surprised me.

Small unarmed caravans, small groups of wayfarers, or single ones, are to be met with almost throughout the districts visited, with the exception of the recent outrages near Moush by Moussa Bey: the instances of such which I came across were very rare.

The number of crimes and outrages which have come to the knowledge of the Vice-Consuls in Kurdistan and myself during the past year show clearly how far less frequent outrages are than a few years since.

The agitation which commenced in Europe in the press concerning the oppression of Armenians is of far earlier date than the recent outrages of Moussa Bey, and from external, not internal, sources.

I have no hesitation in saying that there are no special grounds or peculiarly aggravated state of affairs (with above exception) calling for it.

The state of affairs which evokes so much sympathy for the lot of Turkish Armenians in Kurdistan always exists.

It is unquestionable that the lot of a Christian Rayah, of whatever nationality, is not an enviable one.

The statements as to deliberate attempts to exterminate the Armenians, and wholesale recruiting of harems with kidnapped girls, are exaggerations so gross as to be ridiculous.

The virtual inequality of Christian and Moslem, the want of efficient protection to the former, and of vindication of violence towards him, exists as before; nor need I trouble your Excellency with a repetition of the many well-known shortcomings of Turkish administration.

Having had the honour to report on long journeys in Kurdistan in 1879-82, I may briefly point out to your Excellency the changes most noticeable.

The effects of the war and famine on public security have, to a great extent, disappeared.

On the other hand, the depression of trade and deterioration of the economical condition of the country have had a marked effect.

Inhabitants of all classes and religions are affected by this.

Outrages by the Kurds on Christians, intertribal feuds, highway robbery, cattle-lifting, &c., all exist, but none appear to me to be nearly as frequent or as wholesale as they were.

As late as 1882, in many of the wildest districts of Kurdistan, there was little or no Government, the districts being nominally Nahiyyes (Communes) of large ill-defined Cazas (Cantons).

In the Bohtan and Hekkiari districts, since my last visit the seats of Government of a Kaimakam have been more than doubled.* In each of these are a Governor with gendarmes, Courts of First Instance, a police official, and other machinery of Government.

I believe there is no remaining district in Kurdistan where taxes are not rendered, although the proportion collected in some are ridiculously small.

Prior to the abolition of the feudal system by the enactment of the "Tanzimat," the Rayahs received considerable protection from the Beys and Aghas to whom they were subject. On the power of the latter being broken, and the substitution for it of a weak, often nominal, local Government, the Rayahs suffered much from the violence and oppression of their Kurdish neighbours. At the same time, the descendants of the Beys and Aghas in many localities still exacted from the Rayahs contributions and forced labour, and maintained other ancient customs for which they gave no just equivalent. Remnants of feudality linger to the present day in Hekkiari, Bohtan, and a great part of the Bitlis Vilayet, the villages paying to the Aghas taxes termed "Kabal."

In some places in return for this the Aghas appoint responsible armed Moslem guards to protect the villages and property, but the villagers can equally well subscribe for this themselves, as is done in Albania and also in parts of Kurdistan and Asia Minor.

The contributions demanded by the Aghas are in no wise recognized by the Government, but the latter is, of course, perfectly aware of their existence.

In Erzeroum the custom is obsolete, and in the districts visited chiefly calls for remark in Bitlis Vilayet, where in the Cazas of Khizan, Shirvan, Modikan, Sassun, Koulp. and Schin, and in the Sandjak of Ginja, the Christians pay these double taxes.

* Chal Brit-esh-Shebeb, Deyr Gul, Eyruh, and Berwar are new Governments, and I believe there are two or three more.

Former Reports of Major Clayton and Colonel Everett describe the very abject condition of the inhabitants of many Christian hamlets and villages; this still exists. (Major Clayton, 18th August, 1881; Colonel Everett, 30th January, 1885.)

As pointed out above, the local government has now become through large wild mountainous tracts a greater reality than it was. Perhaps the most important measure of control in effect to which the Kurds have been subjected is that of furnishing conscripts to the army.

From all districts apparently, however remote, men are furnished, and all question of open resistance is quite at an end, or in abeyance.

It is true that in many districts a majority avoid the obligation by flight and hiding. Out of thirty men called for, perhaps ten or six only are actually produced.

The great scourge of the settled population of the mountainous districts of Kurdistan, between Van and the Tigris and south of the Eastern Euphrates, is the "Kocher," or nomad Kurdish population. Since the removal of the Begs, the Kochers have invaded districts formerly free from them.

This and the decline of the weaving industry have contributed to depopulate whole mountain districts. The Christians generally remove to the towns.

The Nomad question has not been seriously taken up by the Turks, although by establishing some of them in winter quarters south of Ameydieh, a greater hold has been gained over them. The Kochers' own experience of the famine has also led to many having settlements, in some cases summer settlements only. This question remains much as described in Colonel Everett's Report of the 30th January, 1885, and it affects the settled Moslem population almost as seriously as the Christians.

The military detachments have been very much increased in number in Kurdistan of late years.

At Guveyr (or Gevver), in Hekkiari, is a garrison with a telegraph to Bashkaleh. At Julamerik is a garrison with a telegraph to Bashkaleh; both these garrisons furnish detachments in out districts in summer. At Chal is a detachment. At Seraï there is a barrack; and there is a company at Akhwrek, another detachment near, and a detachment at Razi.

During the present summer very numerous detachments have been sent out to maintain order.

In the Melasgird district I found cavalry patrols; at Ardish a cavalry detachment. In the Abagha plain, a squadron; near Berghiri, half-a-company of infantry. To Hekkiari two whole battalions had been dispatched to be dispersed in detachments. Some of these were in Nurdúz, where the Christians are in a majority. In Shattakh was half-a-battalion, and a detachment was on the point of proceeding south-west to the district of some unruly Kurds. In the Madikan district of Bitlis, often very unruly, there is a whole battalion.

It is freely asserted that, since the Berlin Treaty, Turkey has done nothing to improve matters in her Asiatic provinces.

The limiting of the power of the Executive, the introduction of the new system of Tribunals of Justice, were very comprehensive and expensive measures. Their failure for want of good instruments for execution and for other reasons is notorious, and fully dealt with in numerous Consular Reports.

What is perhaps the crux of the question as regards the Armenians is that efficient protection is not extended to individuals, neither are their rights vindicated, nor their equality anything but a name.

With a weak Moslem Government this is only to be expected, and even in the towns the different status of Christian and Moslem is very noticeable.

The policy of the present reign has been consistently to develop the Moslem feelings of self-reliance, and to bring home to Moslems the expediency of being a self-supporting community.

Thus Moslems are trained as engineers, doctors, and in the professions of various other departments, and in these branches are gradually replacing the native or alien Christian employés.

The fostering of the exclusive spirit of Islam, combined with the great jealousy of Moslems at the material prosperity of such a large number of their Christian fellow-subjects, have stimulated that bitter feeling against Christians which so strongly pervades the Moslems throughout the Empire, more noticeably so, indeed, in other districts than Kurdistan.

Feelings of Armenians.—It is often asserted that, owing to the toleration of Turkey as regards language, religions, &c., the Armenians are by no means disaffected, and only anxious for security, tranquillity, and the real recognition of their rights as citizens.

This view is rather that of those educated Armenians, dwellers in towns, who are aware of the advantages which they enjoy in Turkey.

As education develops, the Armenians, who look to the Western nations as their model, become more and more discontented with the Oriental civilization in which they find themselves. The uneducated classes are merely loyal as far as influenced by the educated. The old race and religious antipathy to Kurd and Moslem exists. Their sympathies are with any Christian Power as against the Turk. The educated, from their habits of intrigue and mutual jealousies, are as incompetent as ever to combine, and the poorer classes have no power, being rarely armed, and being surrounded by a majority of the hostile and dominant religion.

The Turks, however, are quite correct, in my opinion, in considering them disaffected.

The formation a few years since of Secret Societies and Committees near Erzeroum and in other districts, the proposals and attempts to procure arms, the occurrences of recent years at and near Van, all indicate the true sentiments of disaffection.

It would indeed be strange were it otherwise.

Armenians frequently tell me that I hear of few genuine outrages, because the villagers fear to come forward and tell the truth as to those committed on them.

I find, on the contrary, that townspeople and villagers have no hesitation in addressing the Consul of a friendly Power as if their own Government were the mutual and natural enemy of both, and seemed surprised at such language being discouraged.

The Turkish Government and its Representatives, however, seem to consider Armenian disaffection in too serious a light, and the harassing action described in the despatches of Mr. Devey from Van is neither dignified nor judicious.

In Europe, however, I believe that a state of affairs as regards the number of political prisoners—very different to the reality—is believed to exist. In June, to the best of my knowledge, there were no Armenian political prisoners at Trebizond or at Erzeroum; at Kharput and Diarbekir together two (sent to Erzeroum) or three; at Van eleven; and none, to the best of my belief, at Bitlis, Moush, Erzingian, Egui, Arabkir, &c.

The Kurds.—In the course of an extended tour I only came across two Kurdish functionaries of the Executive branch of Government.

It seems a matter of regret for political reasons that the Turks do not pay more attention to the Kurds. They are a strong, warlike, hardy race, and, in the time of their Beks, mosques, medressehs, schools, bridges, &c., existed in many districts where such evidences of civilization now only remain as ruins.

The descendants of the Beks are, as a rule, illiterate, and lead idle, purposeless lives, occupied in their tribal and family quarrels, and exacting all they can from their own clansmen and the Christian Rayahs.

Very few are decorated or made much of, or employed in the executive functions of the Government, nor are they fit for such employ. It would, however, seem well worth the while of the Turks to educate the rising generation, and employ them in the civil and military administration in Kurdistan.

The Kurds show the greatest loyalty and unreasoning fidelity to their natural leaders.

Time and money are the two great requisites for the gradual improvement of the country. With time considerable advance has been made as regards security, and enforcing some measure of respect to authority. Again, involved and unsatisfactory as is the financial condition of Turkey, much money has been spent in the last ten years in extending and developing the civil administration and the military organization in Kurdistan.

Bitlis, as pointed out in Reports of my predecessors, is still the worst-governed district. It has now been raised to the rank of second-class vilayet,* which will obviate the Appeal Courts being at Van, and also allow men of higher rank and reputation to be sent as Valis.

Réouf Pasha, late Vali of Beyrouit, is on his way to Bitlis, to replace Eâhem Pasha.

Imperial Commissioners have been sent to Van to inquire into the administration there.

In conclusion, I may quote a paragraph from a Report of Lieutenant-Colonel Everett, written after a very similar tour through Kurdistan in 1884. After studying

* Rumoured that it is to be first-class.

"some of the older Reports, I have been compelled to conclude that, although these particular provinces are still far removed from that condition of things which forms the basis of prosperity, yet a decided progress has been made, not, on the whole, discreditable to the Porte, considering the very short time that has elapsed since the districts were barbarous feudal States." These words apply with equal force to 1889.

I have, &c.
(Signed) HERBERT CHERMSIDE, *Colonel*.

No. 15.

Colonel ChermSIDE to Foreign Office.—(Received September 27.)

(Extract.)

Erzeroum, September 12, 1889.

I HAVE sent in my Report on my tour. I am quite astonished to find how quiet the country is; the seats of Government and the stations of troops have been enormously increased since I was in Kurdistan last. With the exception of the outrage in Tiari last year (Nestorian district), which has appeared in the Blue Book, and Moussa Bey's principal recent outrages, four in number, there is hardly anything to report. Vice-Consul Devey has just been through Bohtan and Hakkiari, and reports the Kurds "like lambs," and "hastening to pay their taxes." He, I, and Boyadjian (at Kharput and Diarbekir) all agree that outrages, though of the same nature as from time immemorial, are much less frequent than they were.

Mr. Fitzgerald, of the "Standard," has been here. His experience of Kurdistan is limited to Erzeroum, which is not in it. He has also been publishing alarmist telegrams about the concentration of Russian troops. The facts are that there are no extra troops in Trans-Caucasia, but the 38th and 39th Divisions, and their artillery, have been assembled for manœuvres, and also a cavalry division. The troops appear now to be dispersing.

I inclose extracts of letters from Devey and Boyadjian, himself an Armenian, which quite bear out my views, in opposition to those of Armenians in Europe and newspaper correspondents.

Inclosure 1 in No. 15.

Vice-Consul Devey to Colonel ChermSIDE.

(Extract.)

August 29, 1889.

ON the road I came up with Major Hilmi's battalion collecting taxes and keeping order. The three great Hartushi Aghas are Zindhi Agha, Abdi, and Mehmed (brother of Heji Agha, detained this season at Mosoul). The Kurds are quiet as lambs, and hastening to pay their taxes and throw themselves at the feet of the Government represented by the Major and the troops; they are awfully afraid of the soldiers since last year's business. I hear of only one affair, viz., Gevdan [? Goyyan] Kurds from Gulasinda had come up and looted Mamkora at twelve hours' distance; Mamkora lies about three hours north of Elk, and is west of Farashin. Also two or three of Tayib Agha's men, being at Haji Agha's camp, had lately picked a quarrel, and hanjiars been used, but the soldiers were there at the moment, so there was no talk of revenge. The Mamkora affair had taken place before the soldiers were sent. The Nordouz Kaïmakam said he had squared a trifling Yaila dispute; somebody sold some Agha the right to pasture, and they ate 150 prs. of grass; but the seller had no title, so the Kaïmakam had restitution made, and 150 prs. was paid to the rightful owners.

The Van Cazas seemed to me much quieter and better governed than I had expected, and the wholesome check of the troops among the Hartushi is a great blessing.

Merzu Bey (Haideranli of Diadin), Derbaz Agha, and Hamzo, of notoriety, have been summoned here, it is said by Vali, and that their past offences are to be overlooked on condition of their giving evidence against Temir Oglous.

Inclosure 2 in No. 15.

Mr. Boyadjian to Colonel Chermide.

(Extract.)

July 27, 1889.

IN one of my private letters I stated that one of the "tabours" stationed in this place was sent by the especial orders of His Majesty the Sultan to Nerib for the purpose of forcing the people to deliver the criminals of Hani, whom they were sheltering. It appears that the object was thus far accomplished, as I am informed that all the miscreants but one have been arrested, and are now in the hands of the Diarbekir authorities.

Inclosure 3 in No. 15.

Mr. Boyadjian to Colonel Chermide.

(Extract.)

August 10, 1889.

I CAN positively state that, under the strong administration of the late and present Valis, the numbers of such outrages have decidedly decreased. You will gather that in the great majority of the outrages the victims were Moslem Kurds, and the statements of the papers referred to in your letter that they were solely directed against Armenians, and having for aim their extermination, are, as far as it concerns the Diarbekir and Kharpout Vilayets, mostly exaggerated.

The affair of Blaidar, in Bisheri Nahia, in which seven persons were murdered, and fifty houses burnt down, arose from a long-standing antagonism between two Armenian Chiefs of the village. One of the parties, together with his brother, a priest, has become Roman Catholic, hoping, through the influence of his co-religionists in Diarbekir to overthrow his opponent. Failing in this, he went one night to a powerful Chief of a neighbouring Kurdish village, and induced him to make a raid upon his village, and exterminate the family in question, promising him a rich plunder. Next morning the Kurdish Chief, according to the previous arrangement, with many followers attacked Blaidar, murdered five people, three of whom were children of tender age.

The village was sacked and the houses set on fire; one of the children, six years of age, in his terror ran out and hid himself under some dry twigs heaped near the house. The brother of the priest, the principal actor, standing on the housetop and seeing this, called upon the Kurds to finish that child also, and the child was butchered there and then. Fortunately the man against whom all these were directed was absent that night, and thus escaped being murdered.

Another Kurdish Chief, on being informed of the fact, started with many followers for Blaidir to assist and protect the victims. On arriving there a fight ensued between the Kurds, and in the affray two men fell and a few more received wounds.

On being informed of the affair, the Vali took effectual measures for the apprehension of the miscreants, and within a short space of time all were arrested, including the priest and his brother.

From the above statement you will undoubtedly gather that the case, though a horrible outrage, cannot be cited as one directed by Kurds against Armenians, as the principal actor was an Armenian himself.

The affair of Haini. A few very violent and fanatic Kurds, the sons of a certain Sheikh of the place, have been habitually and frequently committing violence against the Armenians of the place, such as assaulting, insulting, violating by force the women, desecrating the church, and once rushing upon the Protestant pastor of the place knife in hand to stab him, the local authorities being either unwilling or unable to lay hands on them. The Armenians finding it intolerable to live there, more than a hundred of them repaired to Diarbekir in order to lay before the Vali their grievances.

Surri Pasha, the ex-Governor-General, dispatched at once some gendarmes with the orders to arrest the offenders, but on their arrival at Haini an Armenian was murdered by a Kurd in the open daytime. The assassin, together with the other criminals, escaped to the mountains. When the new Vali arrived I took an early opportunity of calling his attention to the state of things in Haini, and pressed him for an effectual measure; upon which his Excellency addressed a telegram to Constantinople for permission to employ two companies of regular soldiers against the Nerib Kurds who were sheltering the criminals.

His Majesty the Sultan, having been informed of the case, ordered that a "tabour"

(battalion) should be dispatched to the spot, and the result was that all the criminals were within a short time arrested, and they are lodged now in the Diarbekir prison awaiting their trial.

Few cases of murder and rapine came to my knowledge during the present year. The Zemkian Kurds have committed a good many outrages upon each other.

I have, however, the satisfaction to inform you that through the strong and honest administration of Haji Hassan Bey almost all the principal bad characters in the Diarbekir Vilayet have lately been arrested, and the prisons of Mardin and Diarbekir are full now. It is hoped that the province may be hereafter tranquillized, provided they receive their deserved punishment, and that depends upon the uprightness of the Criminal Courts, which the experience of past years does not lead us to hope for.

It may perhaps be within the truth to state that the feelings of Mahomedans in general are not so friendly towards Armenians as some years ago, and they sometimes evince their dislike, but it is impossible to subdue such feelings by any but moral means.

No. 16.

Sir W. White to Sir T. Sanderson.—(Received September 30.)

(Extract.)

Therapia, September 25, 1889.

INCLOSED is a private letter from Colonel Chermside of the 14th, which, I think, has sufficient interest to be forwarded at once.

P.S.—Mr. Fitzgerald, of the "Standard," who has been with me a long time this morning, and who comes from Tiflis and the Caucasus, and has been sending alarmist telegrams to his paper, still maintains his statements.

Inclosure 1 in No. 16.

Colonel Chermside to Sir W. White.

(Extract.)

Erzeroum, September 14, 1889.

I, IN common with other Consuls and people, missed the post last week, the authorities having forgotten to inform us of a change in the day.

I inclose a Memorandum from Mr. Devey *à propos* of a statement printed in the recent Blue Book concerning his visit to Bitlis. In my own case, I decline to be the guest of any one, and the Armenians, whose seditious talk I did not relish, and who openly told me that, as the English acknowledged the Cross, I ought to look on the the Turks as enemies, have been much exercised at my reserve, and written to their friends to complain. Your Excellency will have gathered from my Report on my late tour how generally quiet the country is, although the same causes that have always produced trouble remain (as, in my opinion, and, indeed, in that of all dwelling in the East, they always will remain). Mr. Devey's letter to me concerning his recent journey, of which I inclose an extract in an official despatch, incidentally quite confirms my conclusions. I inclose herewith, for your Excellency's information, extracts of letters from Mr. Boyadjian, himself an Armenian, which bear out the same views. I hardly know how far in official communications it may be the province of Consuls to notice utterances in Parliament, but Mr. Bryce's description of the wholesale Kurdish outrage on Bledar is very far from being borne out by the facts I have already reported to your Excellency, of which Mr. Boyadjian's letter treats *in extenso*. I would also point out that the "Haiaşdan," and such papers, though eager to seize upon every lawless act against Christians, while ignoring those against Moslems—certainly none the less frequent—almost, if not quite, invariably omit to mention whether such acts are punished by the Government, and due vindication of the victim's rights made. The Hani instance of effective action on the part of the Government is only one of many that have come to my notice recently. A haul of over forty highway robbers was recently made in this district.

One day, some 50 miles from Van, Mr. Devey and I met an Armenian acquaintance of his with no companions or escort; he had some hundreds of pounds—800*l.*, I think—

on his person, and told us it was the third time in ten days he had traversed the route on business.

Ohannes Mardeghian, a photographer, sent here as a political prisoner from Kharpout with two others, died this week in prison of typhoid fever.

Inclosure 2 in No. 16.

Memorandum in respect of certain Insinuations made in a "Pro-memoriâ" received from the Porte, which forms the inclosure in Sir W. White's despatch, No. 89 in Blue Book "Turkey No. 1 (1889)."

(Confidential.)

PARAGRAPH 4. Beginning: "Les informations," &c.

The suggestion is that whilst staying in the house of Avedis Effendi Khachmanoughian, of Bitlis, I obtained certain information, especially in regard to Moussa Bey, through my host, and that Avedis Effendi is inclined to sedition and a malcontent; and that, therefore, my information must be considered neither accurate nor trustworthy.

I deny both points absolutely.

In the first place, vague reports of Moussa Bey's crimes and of his having burnt Armenians alive had been current at Van, and it was one of the objects of my visit to Bitlis to learn how far they were true. When I reached Bitlis, Moussa Bey's escape was the topic of the day; it was the chief subject of conversations I had with the Defterdar, the Cadi, the American missionaries, several functionaries of high and low grade, and one or two Armenian inhabitants. In my interviews with the Vali the subject was not mentioned. The Moslems generally spoke of Moussa Bey as being persecuted and calumniated, and the victim of certain mysterious parties, of whom I could learn nothing precise. Whilst on a visit to Ibrahim Bey, of the Temiz Court of Constantinople, who had lately been inspecting the Van Tribunals, and was on the same business at Bitlis, one or two judicial officers were present with one or two other persons, and I think it was either the President or one of the members of the Court of First Instance began speaking of the disturbed state of the Mush plain, "but that doubtless a person of such high rank as Ibrahim Bey would have no trouble in reaching Mush; very likely Moussa Bey would come to offer explanations and ask his protection and favour." When Ibrahim Bey said, "The ruffian; I will have nothing to do with him. Why does he burn innocent people and commit atrocities?" the reply was that he had not been proved guilty of burning; he was not so black as he was painted, had done the Government good service, &c., in the style of the apology afterwards published in the "Bitlis Gazette" (*vide* inclosure in my despatch No. 15 to Colonel Chermiside). This was the only open reference to Moussa Bey's barbarity that I heard from a Moslem at Bitlis, evidently believing in his guilt, and not afraid to own it. As to Avedis Effendi's share in affording any information, this was infinitesimal. I went to Bitlis prepared to find in Avedis Effendi a sycophant and tool only too willing to lend himself to the basest purposes, a usurer and oppressor of his fellows in the tithe-farming, &c., and of generally immoral and low character, and was agreeably undeceived on making his acquaintance. When, therefore, I found that I was to lodge in apartments belonging to Avedis Effendi, I entered the house with a feeling of decided distrust; afterwards, when I ventured to address to him a question or two on the state of the country, he displayed such painful unwillingness and reticence in replying, that I at once decided to make my inquiries elsewhere, and left him at peace.

On returning to Van I found Moussa Bey's misdeeds were the talk of the town. Towards the end of the month of May I heard the Vali of Van one evening at the house of the Defterdar express in the strongest terms most severe strictures on the misgovernment of the adjoining vilayet in referring to the crimes of Moussa Bey. Differences of opinion existing between the Valis of Van and of Bitlis, Khalil Pasha might have been prejudiced against Edhem Pasha. But, besides myself, the Defterdar, the Cadi, the Mufti, the President of the Appeal Court, the Commandant, and other officers and functionaries, who were present, had all heard of these notorious outrages and robberies. The newly arrived Cadi, who had just passed Molazgerd, near Mush, spoke of the disturbed state of these regions; and the Mufti (of Khlat in Bitlis) related stories of Moussa Bey's father, Mirza Bey, who had burnt a whole village thirty years ago, when eighty persons perished in the flames (the *pro-memoriâ* says that burning

living bodies is against the Moslem religion, and the present charge could not possibly be true), in consequence of which he had been exiled to Constantinople for ten years; he also mentioned the jealousy and hate between Mirza Bey and Haji Nejmeddin. The above facts will show that Moussa Bey's evil deeds were no less notorious among Moslems than among Christians.

A bad note is put against the name of Khoren Vartabed, the Armenian Vicar at Bitlis. He is also said to have been among the complainants. From what I heard of this ecclesiastic, who is of very superior education, having a profound knowledge of Arabic, besides speaking English and French, he was unpopular among the Armenians on account of his being of the older school of Armenians, who endeavour to make the best of existing conditions, and to induce individuals to bear with patience such evils as they may be from time to time subjected to without obtaining proper redress. In consequence, his opinions being unknown or misunderstood, he was looked upon by some as a careless shepherd. In two interviews I had with him he deprecated the outcry raised abroad and the exaggerated stories published. Though he was aware of Moussa Bey's misdeeds, he did not consider the general condition so hopeless; he referred to the times of a past generation when there was no foreign intervention, no oceans of press pity poured out on the Armenians of Turkey, and when still their forefathers managed to live under Turkish rule pretty happily. He observed that he had lately been travelling in the Yezid districts and villages of Bitlis, whose condition he characterized as utterly miserable, whilst, unlike the Armenians, they had not priests and Bishops and a Patriarch, but no resource whatever to make their grievances known to the authorities. Their condition was truly desperate and heartrending as compared with that of the Armenians.

Khoren Vartabed was shortly afterwards compelled by force, as the *pro-memorid* states, to sign a Mazbata complaining of Moussa Bey's crimes. A similar incident, by the way, occurred here; a priest of standing was inveigled into the house of a highly respectable family under the pretence of administering holy unction to a dying man, and then threatened morally and physically if he did not add his signature to the Van Petition of the 8th June, but he persisted in refusal.

Lastly, Avedis Effendi is accused of having tried to introduce into the country the seditious paper "*Haiasdan*." On visiting Bitlis I gathered from a variety of trustworthy sources (including police agents) that no seditious feeling nor papers were to be met with at Bitlis; a surveillance of the post-office had been instituted, however, within the last few days, because it was heard that the Armenians were proposing to forward a formal complaint respecting Moussa Bey.

I may mention that when I went to Bitlis I knew next to nothing of Avedis Effendi. If the authorities suspected him of sedition, why his house should have been selected by them out of the 3,000 houses of Bitlis for me to lodge at I cannot understand.

(Signed) GEORGE POLLARD DEVEY,
Her Britannic Majesty's Vice-Consul for Van.

Van, September 3, 1889.

Inclosure 3 in No. 16.

Mr. Boyadjian to Colonel Chermiside, July 27 and August 10, 1889.

[See Inclosures 2 and 3 in No. 15.]

No. 17.

Sir W. White to the Marquis of Salisbury.—(Received October 4.)

My Lord,

Therapia, September 23, 1889.

WITH reference to your Lordship's despatch of the 14th August, and to my despatch of the 30th August, I have the honour to transmit herewith copy of a despatch I have now received from Mr. Boyadjian, the British Vice-Consul at Diarbekir, giving a full report on the outrages alleged to have taken place at Diarbekir and Mardin, on the subject of which Mr. Summers asked a question in the House of Commons.

I have, &c.
(Signed) W. A. WHITE.

Inclosure in No. 17.

Acting Vice-Consul Boyadjian to Sir W. White.

Sir,

Kharpoot, September 9, 1889.

I HAVE the honour to inclose copy of my telegram of the 28th ultimo, in reply to that of your Excellency, dated the 19th August, and beg now to submit respectfully the following remarks upon the subjects contained therein:—

1. The Head of the Police, who has been reported to your Excellency as patronizing robberies and organizing gangs of robbers, arrived at Diarbekir only four months ago, and it would be almost impossible to organize such gangs in so short a space of time. The report may have reference to the Head of Gendarmerie, who has been in that office the last twelve years or so; he is a Circassian, a very brave and active officer. Robberies have been occasionally committed by small bands of men of the same nationality, and he has been, rightly or wrongly, suspected of patronizing them, but nothing, to my knowledge, has been brought forward as a fact to support this suspicion.

2. With reference to an Armenian boy being strangled by the Kurds, I obtained the following particulars. A man named Keikor (not Kenhoe) was going lately from Egil—a small town to the north-west of Diarbekir—to a village, having with him a few yards of calico. On his way he was accosted by two or three Kurds, who, for the purpose of plunder, fell upon him and struck him on the head with a heavy club, making him insensible. After a time the man partially returned to consciousness, but from the effect of the severe blow he was unable to move, and the next day he narrated his story to an Armenian who was passing by, begging him to communicate the circumstances to his family, but the man, fearing the consequences of revealing the horrible deed, kept silence. On the third day a Moslem also happened to pass by that way, and was likewise implored to inform his relations, and tell them to come to his succour. This latter did, however, as he was requested, upon which his people hastened to the spot of the tragedy only to find that the poor man was already dead. On being informed of this cruel deed, his Excellency the Governor-General at once ordered the Major of Gendarmerie to repair with a sufficient force to Egil for the apprehension of the culprits, and, according to the latest advices, they have been arrested, together with twenty-seven other bad characters in that region.

3. As to the report that in Mardin manifestos were placed calling upon the Mahommedans to massacre the infidels, I have to state that in December or January last a mob composed of Mishkialis, a class of people of bad repute, assembled in front of the house of a Syrian Christian, who, I am assured, has no better name than his assailants; pistols were fired from without and within the house, but nothing, as I believe, of a serious nature occurred. After some hesitation, the police succeeded in dispersing the mob and arresting some of the ringleaders, as well as the Syrian. It was then reported that the movement had for its object the massacre of the Christians, but, on a more careful inquiry, I was convinced that that was not the case, and that the affair was simply a personal matter, resulting from a long-standing quarrel between the parties. But, while in Diarbekir, I heard a rumour that there was lately another disturbance, and as I could not obtain any reliable information concerning it, I have addressed a letter to one of the Armenian missionaries residing in Mardin, requesting him to furnish me with a correct and detailed account if there existed any foundation for the rumour. Should I receive information of any importance, I shall not fail to communicate the same to your Excellency.

4. But in regard to the last point in your Excellency's telegraphic despatch, I have to repeat what I stated in my telegram, that, as far as I could ascertain, I am perfectly satisfied that no orders have been given by higher authorities to the Governors-General to dissolve Armenian commercial Societies and confiscate books, money, &c. I am aware of the existence of an order issued in 1886, and probably repeated since, calling the attention of the Governors-General to the revolutionary and seditious Committees formed by Armenians, and authorizing them to dissolve such at once, if existing in their respective provinces, and punish those who attempt to promote them, and I submit it as my private opinion that the said order may also have reference to such revolutionary Committees as may be formed under the name of commercial Societies.

5. I may, with your Excellency's permission, add that the state of things in the vilayet, bad as it is, yet, on the whole, crimes, such as murders and robberies, are, owing to the energy and integrity of the Governor-General, Hadji Hassan Bey, on the decrease. He has not been in Diarbekir more than four months, yet, in this short space of time, he has caused the arrest of more than 100 desperados who have been committing depre-

dations of every kind for the last ten years, and his Excellency's vigorous measures make him deserving of the special approbation of the Sublime Porte.

I have, &c.

(Signed) THOMAS BOYADJIAN,

No. 18.

Sir W. White to the Marquis of Salisbury.—(Received October 4.)

My Lord,

Therapia, September 30, 1889.

IN your despatch of the 1st July,* your Lordship forwarded to me a copy of a letter from Mr. Hagopian, complaining that some members of an Armenian deputation which had recently waited on the Grand Vizier to present a Petition on behalf of the inhabitants of Moush had been arrested by his Highness' orders, and I caused inquiries to be made on the subject by Mr. Marinitsch, who reported that there was no truth in the story. Of this I informed your Lordship in my despatch of the 17th July.

I noticed, however, in the "Times" of the 12th September, that Mr. Hagopian, in a letter addressed to the Editor, maintains the accuracy of his previous statement. I instructed Mr. Marinitsch again to make inquiries, and from his Memorandum, copy of which is herewith inclosed, your Lordship will perceive that Mr. Hagopian's statements would appear to be unfounded.

I have, &c.

(Signed) W. A. WHITE.

Inclosure in No. 18.

Memorandum by Mr. Marinitsch.

I HAVE seen with some surprise, in the "Times" of the 12th September, a letter headed "The Armenian Question," addressed to its Editor by Mr. G. Hagopian, maintaining that the news of the imprisonment was true.

In answer to Mr. Hagopian's letter, I can, after careful inquiries and information obtained from most authentic and non-Turkish sources, confirm my previous statement on this matter.

1. The leaders (about twelve persons) among those who made a demonstration and shouted before the Grand Vizier were not imprisoned. They were simply requested to step into the waiting-room, where they remained for about two hours, in order to allow the Grand Vizier to ascertain from them what was the object of the demonstration. This can in no way be called an imprisonment, and because all the Dragomans and other persons, and sometimes heads of foreign Missions calling upon the Grand Vizier, have to wait some time before being received by his Highness, who is always very busy.

The statement that those twelve persons who presented a Petition to the Grand Vizier remained in prison for about six days is therefore altogether unfounded.

2. Further, the ten persons who presented a Petition to His Imperial Majesty the Sultan were not imprisoned for a night and liberated the following day.

They were simply taken into the waiting-rooms in the Imperial Palace, where they were questioned; but, as they appeared late in the evening at the Palace, they had to wait a few hours until the necessary information was obtained from them. They were treated with due consideration. No prison exists at the Palace, and if they remained there a little longer this is due to the fact that the interrogatory took some time, and had to be communicated to His Imperial Majesty, who was, in fact, very anxious to know what these people wanted.

(Signed) H. MARINITSCH,

Pera, September 28, 1889.

* See "Turkey No. 1 (1889)," p. 81.

No. 19.

Sir W. White to the Marquis of Salisbury.—(Received October 4.)

My Lord,

Therapia, September 30, 1889.

I HAVE the honour to transmit herewith a copy of a despatch from Colonel Chermside, inclosing extracts from a letter from Mr. Vice-Consul Devey on the subject of a journey recently undertaken by him in the Bohtan and Hekkiari districts.

I have, &c.

(Signed) W. A. WHITE.

Inclosure 1 in No. 19.

Colonel Chermside to Sir W. White.

(Extract.)

Erzeroum, September 9, 1889.

I HAVE the honour to inform your Excellency that Mr. Devey, being desirous of making a tour in his district at his own expense, I granted him permission to do so. I further suggested the route to follow as one which would enable him to give information as to the state of affairs in some of the remotest and least known districts of Kurdistan.

Mr. Devey has completed a very interesting journey in Bohtan and Hekkiari. We separated in the Khizan Caza of the Bitlis Vilayet, and like myself he avoided, in accordance with instructions received by me from your Excellency, districts inhabited by Nestorians.

I have the honour to inclose an extract from a private letter of Mr. Devey's, dated the 29th August.

This extract completely bears out the opinion formed by myself as to the state of the country, and the attitude of the Kurds towards the Government, as reported in my despatch of the 29th August. With the exception above mentioned, the greater part of the vilayets of Erzeroum, Van, and Bitlis, including many of the most remote mountain districts, have been recently visited by Mr. Devey or myself.

Reouf Pasha, the new Governor-General of Bitlis Vilayet, left Erzeroum to-day.

Being well acquainted with his son, Jevdet Beg, I have been enabled to communicate to his Excellency the information as to Bitlis Vilayet given in my above-mentioned despatch, and other details.

Inclosure 2 in No. 19.

Vice-Consul Devey to Colonel Chermside.

(Extract.)

August 29, 1889.

ON the road I came up with Major Hilmi's battalion collecting taxes and keeping order. The three great Hartoushi Aghas are Zindi Agha, Abdi, and Mehmed (brother of Haji Agha, detained this season at Mosoul). The Kurds are quiet as lambs, and hastening to pay their taxes and throw themselves at the feet of the Government represented by the Major and the troops. They are awfully afraid of the soldiers since last year's business. I heard of only one affair, viz., Gevdan (? Goyyan) Kurds from Gulasinda had come up and looted Mamkora at twelve hours' distance; Mamkora lies about three hours north of Elk, and is west of Farashin. Also, two or three of Tayib Agha's men being at Haji Agha's camp had lately picked a quarrel and "hanjiars" been used, but the soldiers were there at the moment, so there was no talk of revenge.

The Mamkora affair had taken place before the soldiers were sent. The Nordouz Kaïmakam said he had squared a trifling "yaila" dispute. Somebody sold some Agha the right to pasture, and they ate 150 pres. of grass; but the seller had no title, so the Kaïmakam had restitution made, and 150 pres. was paid to the rightful owners.

The Van Cazas seemed to me much quieter and better governed than I had expected, and the wholesome check of the troops among the Hartoushi is a great blessing.

Mirza Bey (Haideranli, of Diadin), Derbaz Agha, and Hamzo, of notoriety, have been summoned here, it is said by Vali, and that their past offences are to be overlooked on condition of their giving evidence against Temir Oglou.

Sir W. White to the Marquis of Salisbury.—(Received October 18.)

My Lord,

Therapia, October 4, 1889.

I HAVE the honour to transmit herewith a copy of a despatch addressed by Mr. Devey to Colonel Chermside, reporting on the action of certain Kurdish tribes in the neighbourhood of Van, and the steps taken by the Government to secure order; also a copy of a despatch reporting on disturbances between Kurds and Nestorians, and on the conduct of Tatar Khan, Bey of Berwari.

I have, &c.
(Signed) W. A. WHITE.

Inclosure 1 in No. 20.

Vice-Consul Devey to Colonel Chermside.

Sir,

Van, September 4, 1889.

HEREWITH are thrown together some remarks on certain Kurds and Kurdish tribes of these regions, which may be of interest to you.

To begin with, it should be stated that the dispatch of the two battalions, mentioned in a previous despatch was apparently occasioned by a pillaging expedition of the Gevdan Kurds into Mamkoran, from some 40 miles down the valley. Mamkoran is a rich pasture above Beit-es-Shebab, where one of the numerous branches of the considerable Hartushi tribe (from the south) have the right to camp. Major Hilmi Effendi has got well forward in the matter of tax collection among the Nomads; a wholesome terror has been inspired, for the tribes have not forgotten last year's encounters with the troops, and are now anxious to prove their submission and good behaviour. No feud of any importance has taken place in these regions lately; order is preserved, and the detention of Haji Agha, who committed robberies, &c., in Livin and elsewhere last year, by the Mosul authorities, has had a good effect. Haji Agha's camp is about five miles distant from Mervanén, the residence of the Norduz Kaimakam, and should be located where "Hadschanan Kurden" is printed on Kiepert's large map. His brother, Mehmed Agha, is in charge of his three hundred tents, and this clan of the Hartushi is extremely wealthy and prosperous.

A certain Sheref Agha, of the Shikefti, was imprisoned here two months ago on account of his having plundered Nomads, who had come into the town to buy, on their return of their beasts and grain [*sic*]. The manner of his arrest by a considerable force of zaptiehs, who seized and bound him in full market at the Caza chief place, Khoshab, is said to have created sensation.

Another Sheref Agha, of the Sherefanli tribe, was also arrested and punished. This man excited a tumult in his village, which resulted in the death of a zaptieh sent to collect taxes.

Three other Kurds were quite recently summoned here; they are Mirza Bey, of Diyadin and the Haideranli, who, to the best of my belief, has been a model tribal Chief for the last dozen years at least; the brigand, Hamzo; and Derbaz Agha.

Hamzo, of the Haideranli, for many years past has been a highway robber in the district between Alashgerd (the Deli Baba Pass) and Eljivaz, on Lake Van. Belying his name, and unlike Kerim, he is reputed a coward, and would never risk his life. It is said that he gave himself up to the Van authorities under a promise of amnesty, and possibly village lands will be assigned to him somewhere in the neighbourhood on his undertaking to settle down quietly.

Derbaz Agha, of the Shemsiki, is from Salahkhané, near the Persian frontier, and bears an execrable reputation.

A rather serious affair has just taken place in Abagha. The intractable Jellali made an attack upon the Haideranli, in which some two or three Kurds were killed; the Alai Bey was at once (*i.e.*, the 31st ultimo) sent with thirty zaptiehs to restore order, and has since been joined by the Mudir of Paus (near Bergri), Jafar Agha, of the Sheveli, with ten more zaptiehs.

The Russian outlaw, Kerim, is said to have come down to Karakendaz, on Archag Lake, six hours from the city, and after staying a couple of days, and sending a message of defiance to the authorities, withdrew to his mountain fastnesses.

From the above it may be gathered that the Government are alive to the importance of securing more order in the departments, and are making serious efforts in this direction.

I have, &c.
(Signed) GEORGE POLLARD DEVEY.

Inclosure 2 in No. 20.

Vice-Consul Devey to Colonel Chermiside.

Sir, Van, September 7, 1889.

I HAVE the honour to submit some information respecting the recent conduct of Tatar Khan Bey, of Berwari.

This man has been mentioned in previous despatches relating to Nestorian affairs; he has been guilty of murder, I am told, and encouraged the disturbances between the Kurds and Nestorians of Tyari last year, and he is hated and abominated by the lower Tyari people, who have made serious complaints against him. His Excellency the Vali has spoken of Tatar Khan Bey to me on several occasions as being a notoriously bad character, and last spring assured me that he was only awaiting a favourable occasion for effecting his exile; this was difficult to accomplish, for other Kurdish Aghas respected and revered him, and, in reference to last year's disturbances, had declared that if Tatar Khan Bey merited punishment, so also did they. On the present occasion it is clear that Tatar Khan Bey evidently intended to provoke a fresh quarrel, involving bloodshed with the Tyari.

The circumstances are as follows: Jeramun is a Nestorian village at the western side of the Tyari Valley, which is placed under the jurisdiction of the Mudir of Berwari, till now Tatar Khan Bey. A new Mudir arrived early in August, but Tatar Khan Bey refused to cede his post, at all events, pending instructions from the Amadiéh Kaïmakam. The late Mutessarif had promised that Jeramun should be detached from Amadiéh and placed under the Julamerik Caza, because the villagers had complained of Tatar Khan Bey's levying more than his right in collecting the taxes, and then declaring the people of Jeramun had failed to pay; but this was not effected. It appears that this year Jeramun wished to avoid paying its taxes through Tatar Khan Bey, and Melik Ismail, one of the leading Tyari Chiefs, and a relation of Mar Shimun, was sent for to receive the sum, and hand it over directly to the Hekkiari Mutessarif. Tatar Khan Bey, who was collecting the taxes of the district, accompanied by a few soldiers, arrived just about the same time; he refused to recognize the Melik's authority for interfering and receiving the taxes, and declared he would not go away without a large sum of money was given to him. The Kaïmakam of Amadiéh had at first approved Melik Ismail's collecting these taxes, but apparently changed his mind afterwards. Tatar Khan Bey next challenged Melik Ismail to fight, but this the Nestorians were disinclined for, especially as there were soldiers with the former. Finally, on the 19th ultimo, some of the villagers being engaged in watering the fields, the Kurds fired on them, and the Jeramun priest was wounded in the neck. Then Melik Ismail, who had thirty men with him, came to the rescue, and the engagement lasted throughout the day till the Kurds and soldiers retired. The Melik gave strict orders that the soldiers should not be fired on, but it is said that two of them were killed. Much damage had been done to the Jeramun fields by Tatar Khan Bey in his vexation, but it seems that the Tyari seized 300 sheep and four horses belonging to their foes.

Tatar Khan Bey's object in going to Jeramun was evidently to renew hostilities with the Nestorians. Consequently, it is more desirable than ever that he should be kept at a prudent distance from the Tyari country.

I have, &c.
(Signed) GEORGE POLLARD DEVEY.

No. 21.

Sir W. White to the Marquis of Salisbury.—(Received October 18.)

My Lord,

Therapia, October 8, 1889.

IN continuation of my despatch of the 23rd ultimo, I have the honour to transmit herewith to your Lordship copy of a further despatch which I have received

from Mr. Acting Vice-Consul Boyadjian, containing information respecting the menacing language against the Christian ecclesiastics placarded on the doors of some of the churches of Mardin, of which mention was made in Mr. Boyadjian's despatch of the 9th September, inclosed in my above-mentioned despatch.

I have, &c.
(Signed) W. A. WHITE.

Inclosure in No. 21.

Acting Vice-Consul Boyadjian to Sir W. White.

Sir, *Kharput, September 23, 1889.*

IN connection with the third paragraph of my despatch of the 9th instant, I have the honour to respectfully inform your Excellency that in a letter received yesterday from Mardin, I am told that about four months ago one morning placards were found posted on the gates of some of the churches in the town containing foul and menacing language against the ecclesiastics, without stating the mischief intended, that this caused a good deal of alarm among the Christians, and they imagined that they were to be massacred, though nothing of the sort was declared in the said papers, and that steps were taken by the Government to find out the author of this mischief, and a Turk who was suspected has been arrested and put upon his trial, but no evidence could be produced to substantiate the suspicion, and the affair blew over without any serious consequences.

I have, &c.
(Signed) THOMAS BOYADJIAN.

No. 22.

Sir W. White to the Marquis of Salisbury.—(Received October 18.)

My Lord, *Therapia, October 11, 1889.*

IN my despatch of the 30th August I stated that there was every prospect of Moussa Bey undergoing a regular trial, and that witnesses had arrived in Constantinople to give evidence. This trial has, however, not yet taken place, but for some time past a judicial inquiry has been going on, and I instructed Mr. Alvarez, and, on his return, Mr. Stavrides, to ascertain what took place at this inquiry. I have received constant Reports from these gentlemen, with which I have not thought it necessary to trouble your Lordship.

I beg, however, now to inclose a copy of a Memorandum by Mr. Stavrides, showing that the Armenians here differ from the Armenian Committee in London as to the charge respecting Gulizza. The former state that the charge is made against Moussa Bey, while the latter state that it was his brother who was responsible for the abduction.

It is hoped that the interrogatories of this investigation will be published in Turkish and French.

I have, &c.
(Signed) W. A. WHITE.

Inclosure in No. 22.

Memorandum by Mr. Stavrides.

THE information obtained yesterday from the Armenians is to the effect that proceedings are going on very well, and that they have succeeded in proving their accusations against Moussa. The latter, however, tries now to prove an *alibi* by producing false evidence, and the lawyers told me that, if he does so, they are able to bring forward counter-evidence conclusively showing that Moussa's evidence is false. His Excellency the Ambassador asks why Moussa's brother has not been arrested if he is the author of Gyul Izzar's abduction.

What Sharpaz Effendi said was not that Moussa's brother was the author of the crime, but that the Armenian Committee in London stated that the author of the abduction of the girl was Moussa's brother. Why then do the Armenians here try to

bring home to Moussa the crime which is attributed to his brother by their associates in London? If Moussa's brother was not arrested it is because, as it seems, no charge was brought against him officially by anybody. At all events, as the lawyers seem satisfied with the proceedings, it seems to me advisable to await the result. I shall, however, put the Ambassador's question to Sharpaz Effendi, and communicate the answer to his Excellency with any other information which I may get.

(Signed) C. G. STAVRIDES.

October 10, 1889.

No. 23.

Sir W. White to the Marquis of Salisbury.—(Received October 18.)

My Lord,

Therapia, October 11, 1889.

WITH reference to my previous despatch of this day's date, I have the honour to state that the United States' Legation has also been using its influence to bring Moussa Bey to trial.

Mr. Pendleton King, the United States' Chargé d'Affaires, has also addressed a note to the Sublime Porte, in which he calls its attention to the fact that Moussa Bey is the same man who, in the year 1883, committed an outrage on two American missionaries, and that, while his guilt was clearly established, he remained unpunished, and asking that, whatever the result of the present trial, he may suffer his punishment for the former outrage.

As no complaint whatever has been made by any British subject against Moussa, our title to watch the proceedings in this case rests purely on general grounds, but the rights of the Legation of the United States cannot be questioned. Moreover, they cannot be suspected by any one of being guided by selfish political objects, and I cannot sufficiently express my obligations to Mr. Pendleton King for having acted with me in this matter; and I trust that your Lordship may find some fitting opportunity of conveying to his Government my appreciation of his action, in which he has found means of combining the interests of humanity with the national interests he defends so ably.

I have, &c.

(Signed) W. A. WHITE.

No. 24.

Sir W. White to the Marquis of Salisbury.—(Received November 29.)

My Lord,

Constantinople, November 21, 1889.

SINCE writing my despatch of the 11th October the preliminary inquiry into charges against Moussa Bey has been continued in a desultory manner, but I have repeatedly instructed Mr. Stavrides to see the judicial authorities, and inquire how the case was proceeding.

On the 5th instant Mr. Stavrides reported to me that he had been invited to attend an appeal made by the plaintiffs from an "Ordonnance de Non-Lieu" given by the "Juge d'Instruction" on one of the charges brought against Moussa Bey. I did not, however, think it desirable that Mr. Stavrides should attend, as Her Majesty's Embassy had been kept in ignorance of the "instruction" from the commencement up to date.

I have also urged the Turkish Government to take action against other persons besides Moussa Bey, who may not hitherto have been brought to trial for offences committed in those provinces against Armenians, and I am assured that such charges will be inquired into on the spot.

It has been very difficult to obtain reliable information from the plaintiffs themselves or their legal advisers, but I have been assured that the interrogatories will be published. I have also urged that if, as I hear there is good evidence, Moussa is guilty on any grave charges, he should be imprisoned.

I have the honour to inclose a copy of a Memorandum by Mr. Alvarez, reporting his conversation with various judicial officials, and stating that Moussa is in confinement in the official residence of his friend, Bahri Pasha, the Governor of Scutari, Constantinople, and that the trial is to begin on Saturday next. This trial will be public, but I am as yet unable to say what are the indictments.

I have, &c.

(Signed) W. A. WHITE.

Inclosure in No. 24.

Memorandum by Mr. Alvarez.

IN recapitulation of information already communicated verbally to his Excellency the Ambassador, I have to state that on Sunday I went to the Ministry of Justice in order to find out whether Moussa Bey was actually imprisoned pending his trial, as reported in the local press, or not. As I could see nobody at the Ministry of Justice except the Assistant Public Prosecutor of Stamboul, who was not in a position to give me any reliable information, I proceeded to the Grand Vizirate, where the Council of Ministers was sitting, and saw Jevdet Pasha, Minister of Justice. His Excellency could not positively state that Moussa Bey was under arrest, although he believed that such was the fact, but he informed me that the order for his arrest had been given on Thursday, in consequence of the decision of the Chamber of Accusation that on one of the three points submitted for its consideration there was a case against him, and that he believed he had been brought before the Criminal Court of Appeal as a prisoner, and informed that his trial would begin on Saturday next. Asked on what case sufficient evidence had been found against Moussa Bey, his Excellency could not tell me. The next day I called on Ali Schahbaz Effendi, who confirmed Jevdet Pasha's statements, but could not state of his own knowledge whether Moussa Bey was in prison or not, though he presumed such was the case. He added that in all probability Moussa Bey was arrested on the arrival of the order to that effect at Scutari at about 11 o'clock, "à la Turque," in the evening; and Ibrahim Bey, who conducted the unofficial inquiry before the judicial one, testified to the fact that the accused was brought before the Criminal Court as a prisoner, and, after Izzet Bey had been appointed as his lawyer, was sent back to Scutari.

Schahbaz Effendi stated to me that the proceedings in the Instruction Department would be published in the "Journal of Tribunals" ("Jeridé-i-Mehakym") if possible before Saturday, the day of the trial, in order that all doubt as to the regularity of the proceedings should be dispelled.

I had some conversation with Ibrahim Bey and Schahbaz Effendi as to various irregularities alleged to have been committed, such as, for example, the cigarettes and coffee incident, &c. Both strenuously denied the existence of these irregularities, especially during the course of the judicial interrogatory, although Ibrahim Bey admitted having given cigarettes and coffee to Moussa Bey, and asserted that he had done the same to the plaintiffs during the inquiry conducted by himself. Ibrahim Bey complained of his interview with Moussa Bey at the village of Izod given by Consul Longworth as being opposed to the facts. He states that Moussa Bey appeared before him as a suppliant, and, after a conversation in which he complained of the charges made against him, requested Ibrahim Bey's protection, and presented a Petition stating his case.

In order to satisfy myself that Moussa Bey was really under arrest I went to Scutari and made inquiries of the Public Prosecutor of Scutari and the Chief Commissioner of Police. Both confirmed the statements of the Minister and Schahbaz Effendi as regards the arrest, and the Police Commissioner added that he was strictly looked after, and that there was no possibility of his escape, and that he was sent to the Court and brought back to Scutari with a guard.

It is worthy of remark that although the practice after the Chamber of Accusation has found a case against the prisoner is for him to be transferred to the Central Prison at Stamboul, there to be kept at the disposal of the Criminal Court, this practice has been departed from in this instance, and Moussa Bey is now detained in the official residence of Bahri Pasha, Mutessarif of Scutari, and his uncle by marriage.

According to his Excellency's instructions, Mr. King, American Chargé d'Affaires, has been informed of the result of my inquiries, and Mr. Gargiulo, the Dragoman of the Legation, will be instructed to be present at Moussa Bey's trial on Saturday should the British Embassy and the American Legation be invited to send their Dragomans to the Criminal Court on that day.

(Signed) J. ALVAREZ.

November 19, 1889.

No. 25.

Sir W. White to the Marquis of Salisbury.—(Received November 29.)

My Lord,

Constantinople, November 21, 1889.

WITH reference to my immediately preceding despatch of this day's date, I have the honour to transmit herewith a translation of a Memorandum which I

have caused to be presented, on the 16th instant, to the Grand Vizier, in an unofficial manner, by Sir Alfred Sandison.

The Memorandum calls attention to certain irregularities which have come to my knowledge with regard to the preliminary stages of the Moussa Bey trial.

I have, &c.
(Signed) W. A. WHITE.

Inclosure in No. 25.

Memorandum presented to the Grand Vizier.

(Translation.)

THE following facts and considerations, as they have reference to the trial of Moussa Bey, and are of primary importance, are set forth here as follows:—

According to the dispositions of the Law, any person accused of a crime, on the production of proofs and witnesses, is to be placed under arrest. Now, Moussa Bey, although accused by the testimony of many of having committed five murders, caused several fires, robbed and stripped several people on several occasions, has not yet been put under arrest. It is true that, under a special Article of the Code of Criminal Procedure, the arrest of a person accused of crime is made dependent on the decision of the “Juge d’Instruction.” But in the present case it would seem as if the “Juge d’Instruction” could not have abstained from giving the order of arrest, after the amount of evidence he has received. Besides, under the terms of a Circular of the Ministry of Justice, issued after the publication of the Law, a person accused of crime must in any case be placed under arrest. Notwithstanding all these considerations, the accused, Moussa Bey, has not been put under arrest. Moreover, the “Procureur Général,” at the time when he had brought an accusation against Moussa Bey, had also brought accusations against those who took part in the crimes of which the Bey is accused, such as his brother, brother-in-law, and a score more. The witnesses produced comprised these persons in their evidence in the same way that the plaintiffs brought accusations against the above-mentioned individuals. It was consequently necessary to put those people also under arrest. At the same time, since the action brought against these persons is connected with that lodged against Moussa, the Iradé ordering the examination of the Bey at Constantinople must of necessity apply to them also, and they ought in consequence to be brought before the Criminal Court of Constantinople to be judged together with Moussa. This is required both by the Law and by justice.

Another fact deserves equal consideration. When the plaintiffs left for Constantinople, it is a matter of public notoriety that Moussa’s brother, Jezzo by name, and his brother-in-law, Eumer Bey, indulged in crimes of murder and robbery. These crimes apparently had, as an object, to frighten the witnesses who were to be sent to Constantinople and those who were to be brought forward later; whilst those who were here, fearing for the safety of their families and their possessions left behind in their country, were thrown into a state of terror and despair.

This also must not be lost sight of, that the plaintiffs as well as the witnesses, being poor and deprived of all means of sustenance, will be unable in the long-run to resist this state of destitution and of difficulty to live, and they will not have courage to fulfil their task to the end. In this manner, it is to be feared that the ends of justice will be frustrated. And yet the gracious Iradé of His Imperial Majesty the Sultan rendered it necessary to provide for the subsistence of these persons. To leave them in this state of distress is contrary to the Sultan’s will.

From information received, Ali Agha’s witnesses are accused in the Courts of being false witnesses. Now, an action for giving false evidence could only be brought during the investigation into the principal charge, or else after the rendering of the Court’s Judgment on it. Consequently, the only object of such an action for false testimony could be as follows:—

Ali Agha’s complaint, after the investigation which has taken place, had reached the stage when it would have to be referred to the “Chambre des Mises en Accusation,” which could only order the arrest of Moussa. It was, therefore, to save Moussa from this that the action for false evidence was brought, and the further object in view was apparently to frighten the witnesses, the production of which had been decided on with reference to the abduction and rape of the girl Gulèzar and the murder of her father.

These facts, such as they are, deserve the Sublime Porte’s most serious consideration.

Sir W. White to the Marquis of Salisbury.—(Received November 29.)

(Extract.)

Constantinople, November 22, 1889.

WITH reference to my despatch of yesterday's date,* I have the honour to inclose herewith a copy of a Memorandum by Mr. Alvarez, reporting conversations which he had yesterday with Schahbaz Effendi and the Public Prosecutor, Khalid Bey, on the subject of the case of Moussa Bey.

From this Memorandum, it would appear that there are two serious cases against Moussa Bey, one of murder and one of arson, on which he is now to take his trial. This Memorandum is also accompanied by a complete list of the different actions instituted against Moussa Bey. A translation is herewith inclosed. From this it would appear that there were ten indictments against Moussa Bey. In the first five, an "Ordonnance de Non-lieu" was given by the "Juge d'Instruction," on the ground of insufficient evidence; against this "Ordonnance," on charges 1, 2, and 3, appeal was made by the prosecution to the "Chambre des Mises en Accusation," and that Court confirmed the "Ordonnance" on charge 1, but on charge 3, on the count of burning the crops, and on charge 4, of wilful murder, reversed the "Ordonnance" and sent the cases for trial. In the last five, evidence of parties and witnesses here has been taken, but further evidence is required on the spot, either for the prosecution or for the defence, which has been telegraphed for and is awaited.

The trial is to begin to-morrow, and I shall not fail to keep your Lordship informed of the results of the proceedings.

Your Lordship is well aware how delicate a subject the question of the trial of Moussa Bey is considered here; my efforts to obtain a fair and impartial scrutiny of the numerous charges against him have been constant and unceasing.

I have been much surprised to observe in home papers a paragraph as if emanating from the Committee of the Armenian Patriotic Association (see "Daily News" of Tuesday, November 14, p. 5), according to which "the Ambassadors of the Six Great Powers at Constantinople are reported to have made representations to the Porte in connection with Moussa Bey's case." I am convinced that this assertion is completely inaccurate.

Yesterday, the Russian Ambassador having called upon me, I mentioned this statement to his Excellency, upon which he said, "There is one Ambassador I know who did nothing of the kind; and that is myself."

Of the other four, I am perfectly certain that this assertion is equally untrue.

Inclosure 1 in No. 26.

Memorandum by Mr. Alvarez.

WITH reference to the different charges brought against the Kurdish Chieftain, Moussa Bey, I have to state, for the information of his Excellency the Ambassador, that I went to the Ministry of Justice with the intention of seeing Jevdet Pasha, and making various inquiries. Jevdet Pasha was very busy with the affairs of his Department, and was subsequently sent for from the Porte. Shahbaz Effendi was instructed, however, to speak in the Minister's name, and I therefore proceeded to ask him what were the charges on which Moussa Bey would be tried on Saturday. He replied that they were two. One case, Migherditch Agha and his father *versus* Moussa Bey, accused of burning the plaintiffs' crops of corn and hay, and the other Kumasch Khatun against the same accused, who is charged with having three years ago wounded and killed Malkhass, the plaintiff's husband. In both cases, the plaintiff belonged to the village of Ardonk, near Musch.

Through the kindness of Khaled Bey, the Public Prosecutor to the Appeal Courts, who will personally conduct the prosecution of Moussa Bey on Saturday on behalf of the Government, I obtained a complete list of the different actions instituted against Moussa. Although unofficial, it has evidently been drawn up under the direction of Hussein Sedky Effendi, the Judge of Instruction, charged with the interrogatories in these actions. From it will be seen that these cases are ten in number. The annexed translation by Mr. Block shows that they contain two charges of violation, three of murder, one of burning alive, one of causing death, one of wounding, one of burglary,

three of cattle lifting, four of robbery of other property, one of violent extortion of money, and two of arson.

In the first case to be taken on Saturday, two charges of burglary and extortion, besides the one of arson, which will be pressed, have already been set aside by "Ordonnance de Non-lieu," which has not been appealed against. In the second case to be heard, an appeal has been lodged against an "Ordonnance de Non-lieu," and Moussa Bey has consequently been indicted for wilful murder. The last five cases are, from various causes, still pending. In the remaining cases "Ordonnances de Non-lieu" have been pronounced, and in one case confirmed by the Chamber of Accusation. The cases of the girl "Gulizar," and of Ali, the muleteer, of Diarbekir, are amongst those pending.

As regards the publication of the interrogatories, Shahbaz Effendi declared, in the Minister's name, that the interrogatories, not only in those cases which are sent before the Criminal Court, but also in those quashed by the Chamber of Accusation, or in which the Judge of Instruction has considered himself bound to issue an "Ordonnance de Non-lieu," not appealed against, that is to say, the whole of the secret judicial interrogatories shall be published. He also solemnly assured me that both the Minister and himself desired the scrutiny of the utmost publicity possible, in proof of which desire, in addition to the regular interrogatories, Ibrahim Bey's official Report, summarizing the investigation carried on by him, of no legal validity, should also be published. The "Jeridè y Mehakym" (Journal of Tribunals) will appear on Saturday, and will contain a preface to the interrogatories, Ibrahim Bey's Report, and part of the judicial interrogatory. Schahbaz Effendi told me he would seriously consider the possibility of issuing a supplementary number of the paper on Monday, containing the remainder of the interrogatories, and while I was in his office he gave the most stringent orders for precedence to be given to the preparation of these documents for the press over all other articles. When I complained of Moussa's not having been treated in the same way that any other person accused of criminal offences would have been, *i.e.*, of his having been allowed to remain in detention at Scutari in the official residence of Bahry Pasha, his relative, who is Governor there, instead of being incarcerated at the central prison at Stamboul, as is usually the case when the Chamber of Accusation has declared a case against the prisoner, and he is held at the disposal of the Criminal Court of Appeal under the warrant issued for his arrest, Schahbaz Effendi admitted the justice of my remark at once, and declared he could not approve of such procedure.

(Signed) J. ALVAREZ.

November 21, 1889.

Inclosure 2 in No. 26.

The Charges against the Kurd, Moussa Bey.

CHARGE against Moussa Bey of having ten years ago violated Anna, the daughter of Eranos, of the village of Izzod.

Note.—For want of proof, on the 16th September, 1305, an "Ordonnance" of "Non-lieu" was given.

The "Ordonnance de Non-lieu" was confirmed by the "Chambre des Mises en Accusation."

2. Charge of Hourshid, son of Asadur, of the village of Tedwan, that Moussa Bey fifteen months ago stole the bullocks of Hourshid's brother, Serope, and caused his death.

Note.—For want of proofs an "Ordonnance" of "Non-lieu" was given on the 16th September.

3. Charge by Migherditch, of the village of Ardonk, that Moussa Bey has burnt his granary and crops and had demolished the wall of his house by night, and had stolen his property, and had bound his brother, Garabet, and extorted from the same 20 liras.

Note.—As sufficient legal evidence was not forthcoming, on the 2th November an "Ordonnance de Non-lieu" was given.

Opposition was made to this decision, and the charge of burning the granary is to be proceeded with.

4. Charge of Koumash, a woman of the village of Ardonk, that Moussa Bey three years ago had robbed and murdered her husband, Malkhass.

Note.—There being no legal evidence forthcoming that Moussa Bey had wounded Manouk, on the 8th October an “Ordonnance de Non-lieu” was given.

Opposition having been made to the “Ordonnance de Non-lieu” the accusation of murder with premeditation was sustained, and the trial will be proceeded with on this count.

5. Charge by Eranos, son of Ohannés, of the village of Tapa Mervan, that Moussa Bey had stolen two sheep and two cows.

Note.—There being no kind of evidence to sustain this charge, on the 12th October an “Ordonnance de Non-lieu” was given.

6. Charge by Miro, of the village of Kharir, that Moussa Bey had killed his father, Agop, and had stolen his goods and chattels, and had violated his niece, Gulizar, and carried her off.

Note.—The evidence of the parties and witnesses here has been taken, and as Miro requested that the evidence of some thirty witnesses in the Province of Moush should be taken, telegraphic orders were sent to the spot, and the written evidence from them is expected.

7. Charge by Ali, muleteer of Diarbekir, and by merchants of Van, that Moussa Bey had stolen their goods and chattels.

Note.—The evidence of the parties and of the witnesses here has been taken, and telegraphic orders have been sent (to the province) that the evidence of certain witnesses for the defence whom Moussa Bey has designated should be taken, and the papers from there are awaited.

8. Charge by Mourad, of the village of Tedwan, that Moussa Bey had killed his father, Manouk, and his uncle, Agob, and had stolen their goods.

Note.—The evidence of the parties and of the witnesses here has been taken, and telegraphic orders have been sent that an inquiry should be made on certain points on the spot, and the answer is expected.

9. Charge by Timo, of the village of Vartenis, that Moussa Bey had wounded him and stolen his cattle.

Note.—Documents containing inquiry on the spot are being awaited.

10. Charge by Gulezar, of the village of Arkovank, against Moussa, of burning her husband, Ohan, alive, of plundering his property, and burning his hay.

Note.—Witnesses here and parties have given their evidence, and telegraphic orders have been given for necessary investigations on the spot, and the reply is awaited.

No. 27.

Sir W. White to the Marquis of Salisbury.—(Received December 2, 9.35 P.M.)

(Telegraphic.)

Constantinople, December 2, 1889, 6.20 P.M.

JUDGMENT was delivered in the case of Moussa Bey this afternoon. After a protracted public trial, he has been acquitted on all the three counts with which he was charged. I will send the details as soon as possible.

No. 28.

The Marquis of Salisbury to Sir W. White.

Sir,

Foreign Office, December 6, 1889.

I HAVE received your Excellency's despatch of the 21st ultimo, respecting the trial of Moussa Bey, and I approve of your having communicated to the Grand Vizier a Memorandum calling attention to certain irregularities which had come to your knowledge with regard to the preliminary stages of the inquiry.

I am, &c.

(Signed) SALISBURY.

No. 29.

*Sir W. White to the Marquis of Salisbury.—(Received December 13.)*My Lord, *Constantinople, November 27, 1889.*

WITH reference to my despatch of the 22nd instant, I have the honour to report that the trial of Moussa Bey began on the 23rd instant.

I instructed Mr. Alvarez to attend unofficially, and to report to me what took place.

I have the honour to inclose a copy of a Memorandum by that gentleman, giving a detailed and circumstantial account of the proceedings of the first sitting of the Court.

I have, &c.

(Signed) W. A. WHITE.

Inclosure in No. 29.

Memorandum by Mr. Alvarez.

IN accordance with the instructions of his Excellency the Ambassador, I attended the day before yesterday at the Criminal Court of Appeal for Constantinople for the hearing of the first among the numerous actions brought against the well-known Kurdish Chief, Moussa Bey. M. Gargiulo, 1st Dragoman of the American Legation here, accompanied me. We arrived at the Court a little before 12 o'clock, and on entering the corridor found it crammed with an enormous crowd, through which, with some difficulty, we made our way to the Judges' room. On coming in we found three of the Judges present, as well as Hussein Tewfik Pasha Widinly, General of Division, and formerly Minister of Finance and Ottoman Minister at Washington, recently proposed by the Porte for the post of Ambassador at Rome, and also a naval officer, one of the Sultan's aides-de-camp, Captain Ahmed Bey. These officers, who spoke English, had evidently been sent to watch the proceedings. With them, for the same purpose, was Ahmed Djelal Eddin Pasha, Chef du Bureau Politique to His Majesty the Sultan. His Excellency Vassif Effendi, President of the Court, soon arrived, and by this time the expectant crowd was so numerous, and had so much difficulty in finding place at the Court, that at one moment it appeared that there would have been an invasion of the Judges' room. When the President was informed that Moussa Bey had arrived, and had been placed in the dock, and that Khaled Bey, Public Prosecutor of the Court of Appeal, Simon Tingher Effendi, attorney for the plaintiffs, and Izzet Bey and Mehmet Ali Effendi, attorneys for the defence, as well as the witnesses, were present, he and the other Judges entered and took their seats. The two Pashas and Ahmed Bey, M. Gargiulo and myself, and Mr. Hardinge, who arrived shortly after the commencement of the proceedings, were accommodated with seats on the Bench behind the Judges, and in small reserved spaces on either side of us I noticed Messrs. Ledoux, Gaspardi, and Podestà, French, Austrian, and Italian Dragomans, and several members of the Ottoman Bar.

The Court-room was literally packed, and the greatest interest was taken by those present in the proceedings, which were frequently disturbed, especially in the beginning, by the angry knocking for admittance on the doors of the Court by the disappointed crowd outside. In the audience I noticed Europeans, Turks, Greeks, Armenians, and Kurds.

The Court was composed of the President, Vassif Effendi; Emin, Tahsin, and Nicolaki Haralambidis Effendis, Judges; and Artin Effendi Mosditchian, Assistant Judge, the two last being Christians, respectively Greek and Armenian. The proceedings commenced at about 12.15 by the President calling upon Moussa Bey, who had two policemen behind him, as usual in criminal cases, to stand up and give his name. Moussa Bey did so, and I could see that he was above the middle height, and was of slightly fair complexion and gentlemanlike appearance, wearing a fez, black stambouline, and trousers. Khaled Bey then demanded that the plaintiffs and defendant should be specified, asking at the same time in what capacity was Simon Effendi Tingher present. Simon Effendi stated that he represented Migherditch and the woman Koomash. Khaled Bey thereupon objected to the recognition of

Migherditch as plaintiff, on the ground that in the interrogatory and in a Petition to the Chamber of Accusation he had described himself as an informant, thereby debarring himself from being a plaintiff. Migherditch's father, Ohannes, might be a plaintiff, but there was no power of attorney from him to Simon Effendi, and he therefore asked for the exclusion of Migherditch and Simon Effendi from pleading in the case. Simon Effendi replied, amid much noise caused by the crowd not admitted to the Court, that Migherditch had been insulted, and was, therefore, entitled to prosecute Moussa Bey on that ground. Migherditch's father, Ohannes (then at Bitlis), also a plaintiff, had been telegraphed to on Thursday evening for instructions. But even if Migherditch had taken no step to constitute himself a plaintiff while he had been summoned as such, was he not admissible in that capacity? He left the point to the appreciation of the Court. Defendant's lawyers, Izzet Bey and Mehemet Ali Effendi, maintained that Migherditch had no legal position. This Simon Effendi denied, adding that his power of attorney was in perfect order.

The Public Prosecutor again insisted on Migherditch being excluded from the position of plaintiff, adding that the Chamber of Accusation had rejected his Petition; also that Migherditch had made no statement of his having sustained personal damage. Ohannes, too, should have been present at the Court, notwithstanding his issue of a power of attorney, supposing it to exist, but as Ohannes was not present, and as no power of attorney had actually been given, he must insist on exclusion of Ohannes as plaintiff. Simon Effendi rejoined that, even supposing a mistake had been committed in drawing up the Petition to the Chamber of Accusation, that would not alter the facts of the case. If Migherditch had suffered personally, he must be a plaintiff. The fact was at the interrogatory he had declared himself a plaintiff, and now appeared as such. The Public Prosecutor denied the existence of such a Petition. Izzet Bey, for the defence, expressed his intention of availing himself to the full of the wide latitude allowed by law, and maintained that Migherditch's depositions were all made on behalf of the plaintiff, his father, and that a Petition must be presented before he could be a plaintiff. Mehemet Ali Effendi remarked that Simon Effendi spoke as a lawyer on behalf of the plaintiff who had not yet been specified, which was irregular. On this point he had the support of the Public Prosecutor. After rejoinder from Simon Effendi, and further repetition of his previous arguments by Public Prosecutor, the Court reserved its decision on this point, but decided to admit Simon Effendi as provisional representative of Ohannes, on the understanding that a confirmatory telegram should be received from him. Referring to the woman Koomash's action, Khaled Bey argued that it could not be heard to-day, as five days have not elapsed from the communication of the "Mazbata" (Report) of the Chamber of Accusation as required by law, it having been presented on Thursday to the Criminal Court of Appeal.

During this delay the withdrawal of the Report may be demanded. Izzet Bey stated that the defence would profit by this right. Simon Effendi demanded that the two cases should be heard at the same time, Moussa being in both defendant. The Public Prosecutor asking for a decision on this point, Koomash was informed that her case could not be taken that day, and was assisted to leave the Court by the ushers.

In answer to various questions put by the President, Moussa stated his name and age (30 or 31), origin (from Moush), and the fact that he had farms and other property there. He was told to listen to the reading of the documents containing the charges brought against him for what he did at the village of Ardonk, near Moush. The Mazbata of the Chamber of Accusation was then read. I annex a translation of this document communicated to the "Tarik," and printed yesterday.

The Act of Accusation was then read, to the effect that Moussa Bey was charged on the three counts above mentioned under Article 163.

The President then addressed Moussa.—You are accused of having burnt hay and barley inside and outside of Ohannes' granary, in the village of Ardonk; of having made a hole in the wall of the house and entered it; of having tied Ohannes and his son, and maltreated them, three years ago. Did you commit these crimes?

Public Prosecutor.—Allow me to explain the details of the case first, and then Moussa Bey can be questioned.

President (to Public Prosecutor).—Continue.

Public Prosecutor.—The charges which motive the accusations of Moussa Bey, according to the Mazbata of the Chamber of Accusation, are three: (1) arson; (2) burglary and theft; (3) robbery with violence. These I shall explain in the order of events according to course of inquiry. The arson, according to the statement of two witnesses, took place three years ago at night, and, according to official local

information, on the night of the 16th July, 1303; that is to say, two years ago, in the granary and haystacks of Ohannes of Ardank, in Sandjak of Moush, but notwithstanding Ohannes has petitioned the authorities of Moush, and asserted that the fire was set at the instigation of Moussa Bey or his relative, Suleiman Bey, now deceased, he has stated he was unable to prove it, and that case has remained in the same position. Inquiries have now been made on the issue of His Imperial Majesty's first Decree for Moussa Bey's being summoned to Constantinople and the plaintiffs' cases being tried. Ohannes' son, Migherditch, at Constantinople, is examined. Though he admits he has been here for three years, and has not in that time gone back to his country, he afterwards asserts he was present at the arson, which he saw, and afterwards states in another deposition that he was then at Bitlis, and did not see the fire. This, notwithstanding, he says, he will prove by two witnesses, Boghos and Agop, that Moussa Bey and his accomplices committed this arson. Boghos, son of Bedian, and Agop, son of Parma, are summoned and examined.

According to their deposition, on the night of Thursday, the 24th July, three years ago, Moussa Bey and his accomplices came to the village of Ardonk on horseback, and they saw them, with lights in their hands, set fire to Ohannes' granary and haystacks. On their shouting out the villagers came to the place, and Moussa Bey and his associates ran away.

As regards the burglary and robbery, when this action for theft was brought formally in the locality against Derwish Hatch Oghlou, of the village of Marinick, the act was not proven, and the "*Ordonnance de Non-Lieu*" in favour of Derwish was issued on the 30th April, 1305, whereas now Migherditch states that the theft was committed by Moussa Bey and his associates two months after the fire, and that he will prove his claim by Boghos, son of Vartan, Minass and Hajji Kevork, and two and a-half months after this robbery Moussa Bey and his accomplices came to their house, bound his father, Ohannes, and his elder brother, Carabet, to a pillar, and, by threatening them, took 20 liras by force. Proved by Otan, *alias* Ohannes, son of Mouhtar, and Boghos, son of Vartan Bedian, when examined.

Hajji Kevork and Minass, pointed out as witnesses for the burglary and robbery, say they know nothing about it; but according to the statements of Boghos, son of Vartan Bedian, and Ohannes, witness in the third case of robbery, while they were sitting in a room at about 3-30 or 4-30 one night in October, two years and a-half ago, they heard dogs barking, went out, looked and saw Moussa Bey and his accomplices breaking through Migherditch's roof or stone wall, 1 arshin thick, with clubs, taking out through the hole the bed, clothes, and other property, and going away with them.

Coming to the question of robbery with violence, according to the deposition of Hajji Kevork, who is one of the witnesses indicated for another charge, it took place twenty-two months ago, in winter, and, according to Minass' deposition, a year and a-half ago. On Saturday before Christmas Day, a fast day, Moussa and his accomplices came about 11 o'clock in the evening and tied up Migherditch's father, Ohannes, and his elder brother, Carabet, and demanded 20 liras. Until they got the money, they kept them tied up for three hours, or, according to another account, for four or five hours, and on getting the money they left. The "*Ordonnance de Non-Lieu*," which was given by the Judge of Instruction on account of the course of inquiry and the discrepancies between Migherditch's evidence and that of the witnesses, was annulled by the Chamber of Accusation, and Moussa Bey has been brought before your honourable Court charged with criminal offences. As His Imperial Majesty the Sultan, a most just Sovereign and protector of his subjects, devotes himself to the administration of justice to all, and as it is our duty to direct our energies exclusively to this admirable object, I demand that the witnesses whose names are on the list handed in should be heard, and the trial of the accused proceeded with most attentively.

President (addressing Moussa Bey).—Have you anything to say? The documents have been read, and you have heard what the Public Prosecutor has said.

Moussa Bey.—Yes, I have; but I don't know Turkish well. Let me have an interpreter.

President.—Talk as well as you can.

Moussa Bey.—Salih Pasha was Mutessarif of Moush. Salih Pasha sent for me one day. We sat down and ate together. Suleiman Bey was also there. Ohannes came. "My stable has been burnt," said he. I had heard of it, as I arrived on that day. I was then Mudir (Sub-Governor) in those parts when Arif Pasha was Vali. Does any Mudir act in this way to those under his administration? I was busy collecting revenue thirty hours' distance from the place at the time they mention.

The cause of their complaint is the fact that I put some pressure on them as required by my duties in order to get the "verghy" (land-tax) due by their priest to Government, a large amount which he would not pay, and to the fact that I arrested and sent him to Salih Pasha. After that everybody, down to the servants and watchmen, complained of me. "We don't want Moussa Bey," said they. I went to Bitlis. "Let them come and prosecute me," said I. They did not come. If any improper action has been taken by me or my men, I am ready to suffer any penalty. I and my family have always been loyal to Government, from father to son.

President.—No action is brought without a cause. Is there any hostility or feud between you?—*A.* Yes, four or five villages are hostile to me: Ardonk, Vartenis, &c., owing to disputes with my tribe.

President.—There is the charge that you tied the father and brother of Migherditch, who is here, to a post, and took 20 liras from him?

Moussa Bey.—No; I lent Ohannes 100 liras. We had a garden, which we cultivated in common. He had recourse to the intervention of the Vali Pasha, and sent word to me saying, "I have made no money this year," in order that I should not ask for the money. Migherditch's brother, Agop, brought me from the garden a lot of water melons and vegetable marrows, which I made him a present of, and 40 medjidies, which I took. Such was his statement at the "Adlie." Now, he says, 20 liras (murmurs among the audience). Izzet Bey explains the term "Adlie" to mean the Court of Bitlis.

Public Prosecutor.—It is now the turn of the witnesses to be examined, but they ought not to be together. As a matter of fact, their depositions in the Instruction Department are contradictory, and perhaps their statements here will also be contradictory. We should be hindered from getting the truth if they hear each other's statement. Boghos and Agop will be heard first. They will give evidence on the point of arson. Let Boghos be brought here, and Agop kept in another room.

Izzet Effendi.—My client has been prosecuted on the three charges of arson, burglary, and robbery with violence; has been brought to your honourable Court, and has been placed in the dock on Migherditch's denunciation. In Migherditch's deposition at the interrogatory there are all sorts of contradictions. Migherditch shall be examined now, if your Lordship approves of the suggestion.

Public Prosecutor.—The time for his examination has not yet come; he will be examined after witnesses have been heard.

Izzet Effendi.—While witnesses are being heard Migherditch must not be present, as he may develop his plans from the statements of witnesses.

Then recess of the Court for a quarter of an hour.

On its return—

President.—We will now hear the witnesses.

Public Prosecutor.—My Lord, first let a decision be given on the point of Migherditch's presence or absence.

The Public Prosecutor insisting on this point, by the President's order Migherditch was removed.

Public Prosecutor.—Let the two witnesses be kept separate, and not hear or communicate with each other.

President.—We will hear them in turn. The witnesses are now in the Clerk's office under surveillance, and cannot hear.

Witness Boghos, son of Migherditch, was called and said:—

I don't know how old I am, 40 or 45; my village is Ardank, in the plain of Moush. I am a labourer.

Witness sworn.

The Public Prosecutor, not being satisfied with the witness' manner of taking the oath, as he did not keep his hand on the Gospel, by permission of the President pronounced the formula himself, and told witness to repeat his words exactly:—

Do you swear to tell the whole truth, and nothing more nor less than the truth, so help you God?

The witness, an ignorant rustic, repeated what the Prosecutor had said, word for word (laughter among the audience).

Eventually the oath was properly taken.

President.—Tell the truth about what you saw and know.—*A.* I have sworn to tell the truth: I saw Moussa Bey fire the hay and store-house.

Q. Where were you then?—*A.* On my rick.

Q. What o'clock was it?—*A.* 4 or 5 o'clock.

Q. Were you alone?—*A.* Yes.

Q. Was it in the day-time or at night?—A. At midnight.

Q. Did Moussa Bey come alone?—A. No; with him were Eumer Bey, Djezai Bey, Chalow Mourad Bey, and several servants.

Q. Did you know the servants?—A. No.

Q. How did you see the fire?—A. I was on my rick.

Q. Who was there?—A. Moussa Bey.

Q. What was he doing?—A. He had a light in his hand; he burnt the hay.

Q. Was he alone?—A. His servants were with him.

Q. What was the distance from your rick to the burnt one? Was it far?—

A. There was one rick between mine and Ohannes'. The ricks were in a row. Flames appeared.

Q. Was it near where you were?—A. Yes; I ran up at once.

Q. Was the store-house empty?—A. No. In the store-house were Ohannes brother and a servant.

Q. What else was inside?—A. All sorts of things.

Q. What was burnt first?—A. First the store and then the hay.

Q. Where was Moussa Bey at the time, and what was the house made of?—

A. Moussa Bey was then on horseback and had a light in his hand, with which he was setting the fire. The store-house had stone walls and a wooden ceiling.

Q. What was in it?—A. As far as I know, barley, straw, labourers' clothes, tools, &c., all destroyed. They say there was other property, but I don't know.

Q. Did Moussa Bey see you?—A. No; I did not show myself.

Q. Why?—A. I was afraid of him. I was not a donkey to have shown myself (laughter among the audience). Witness turned round to the audience and said, "What are you laughing at? He would have killed me. He has killed several people." (Sensation.) Previous to the President putting these last two questions, he asked the witness, "Was the store large?"—A. Yes.

Q. Did you see Moussa burn the store?—A. As soon as I saw the flame I ran up. Moussa Bey was saying, "Let us burn these ricks and go."

Q. You were the first to go?

Continuation of previous questions.

President.—Is there any hostility between this Moussa and Ohannes?—A. Who knows? Perhaps there was.

Q. Why?—A. Ohannes was a great man, and Keaya.

Q. Were the servants on horseback? How many people did you see on horseback?—A. Yes; I saw Moussa Bey, Eumer Bey, Djezai Bey, and Chalow Mourad Bey on horseback.

Q. How were the others? Was there anybody else there?—A. Five or six servants on foot, but I did not see how many.

Public Prosecutor.—Let him say what was the colour of the horses.

President.—When there was such a flame, the scene must have been as clear as daylight. What did you see?—A. Moussa Bey's horse was white. The other horses were red.

Public Prosecutor.—What kind of red? Bay or chestnut? He stated the colour in the preliminary investigation.—A. Could not say.

The President considered the evidence on this point sufficient.

Public Prosecutor.—When he came to the fire did anybody else come?—A. I shouted to the village, and the villagers came.

Q. Let him say whether Moussa Bey ran away before or after the villagers came. At the interrogatory he made a positive statement on this point. What was the distance between the village and the rick?—A. Moussa Bey went away first. The village is three or four minutes' distance from the rick. On my shouting out the villagers came from all sides. I said, "His son and servant are inside; let us save them," and we at once set to work to do so.

President.—Did the villagers see Moussa Bey? Did any one see him besides yourself?—A. I went first, and afterwards Agop came.

Q. Where did you see Agop? Did he see Moussa Bey's arson?—A. Agop came after me. I only say what I saw myself. I don't know what Agop saw.

Q. Who was inside the store-house?—A. Ohannes and Kenias.

Q. Where are they now? What became of them?—A. One of them is here.

Q. What is his name?—A. Ohannes.

Q. What clothes did they wear, and when you got them out were they burnt?—

A. They wore shirts and drawers, labourers' dress.

Public Prosecutor.—Were their clothes completely burnt?—A. I don't know.

Q. Were their drawers and shirts burnt?—A. Yes.

Q. When a man's clothes are burning, to put out the flames they must pour water upon them, or roll them on the ground. Which did they do?—A. Could not say.

Q. This point must be carefully examined, because here is a contradiction. If it is disproved the accused will be condemned, and if it increases the accused will be acquitted?—A. We all crowded round them. I don't know how they put out the flames. I did not see. I know that much.

Q. What is the distance between Migherditch's rick and Ohannes'?—A. His rick was further off than mine.

Q. What was the distance between Migherditch's rick?—A. There are six ricks.

Q. Let him describe their position. Whose rick is at the top?—A. Ohannes'.

Q. Are the ricks in a row?

(Witness did not reply, except to repeat that Ohannes' rick was at the top.)

Public Prosecutor.—Did Migherditch or his brother see Moussa Bey?—A. I don't know.

Q. How is it that Boghos saw the fire before those who were in the other ricks? Was nobody watching Ohannes' rick?—A. They had cut the barley. Nobody was watching. There were labourers, who were tired, and went and slept in the store-house.

Q. Let him state the names of the owners of the ricks?—A. At the top, Ohannes, then Vartan's, then mine, then Agop's.

Q. Were there no more? Just now he said there were six?—A. There were so many.

Q. In the Instruction Department it was said that, in their village, there were sixty or seventy houses. Now he says there are only six?

(Agop's testimony was read, and was found to confirm the Public Prosecutor's statement. Boghos was asked about this contradiction. "How should I know? I did not count them.")

Public Prosecutor.—This is a great discrepancy!—A. My Lord, I did not count the ricks; they are in rows. In my row there are six. The village has four sides, and the ricks are round the village.

Q. Was Migherditch, the son of Ohannes, at the fire?—A. No; his father and brothers were there.

Q. Did he wake them up?—A. I don't know. I shouted, and they all came, and among them I saw Ohannes.

Q. Did Ohannes hear that the fire was put by Moussa Bey? What did he do?—A. Yes; he heard of it, and cried.

Q. As this witness knew more about the matter than anybody else, did he mention it, I wonder?—A. Yes; I did. I said Moussa Bey set the fire and went (according to another account, Boghos is represented to have said "The villagers said so," but I don't know who told it first).

Q. Did he hear any shots fired, and who fired them?—A. Yes; Moussa Bey fired.

Q. How many times, and when did he fire?—A. Four or five times after the villagers came.

Q. Just now he said that Moussa Bey went before the villagers came?—A. So he did; but he fired while going, afar off and in the air.

Izzet Effendi.—My Lord, was Moussa Bey going straight to the village? Did he fire in the village?

Question put.

Witness replies.—No; he did not fire in the village.

Public Prosecutor.—Where was Migherditch that night?—A. I did not see him; only his father, Ohannes, came.

Q. Was he at Stamboul?—A. At Bitlis.

Q. Was it a moonlight night?—A. There was no moon.

Public Prosecutor.—My Lord, let him fix the time and date of the occurrence.

Witness.—How do I know, my Lord. It was at night. I have no watch. The night of the 24th July.

Q. What was the day?—A. Thursday.

Izzet Effendi.—Allow me to put a question.

President.—I beg that we should not be occupied with trifles. Let only questions be asked such as will prove the truth.

Izzet Effendi.—My Lord, the charges against my client are very grave and serious. Consider the importance of the penalty that will be imposed if they are true.

Public Prosecutor.—Let him put his questions. Here everybody can protect his rights.

President.—Put your questions.

Izzet Effendi.—It is said that flames appeared. Was it smoke or sparks, or a flame?—*A.* It was a flame. The scene was as bright as daylight.

Izzet Effendi.—Boghos says he saw in Moussa Bey's hand lights; also that he saw other companions. All the villagers came. Two persons were saved from the fire. This is very strange. There were as much as 35 arabas of hay, straw, &c., burning, and the villagers did not do anything to put out the fire.

Boghos.—We all tried to save the servants.

Izzet Effendi.—He says that after Moussa Bey burnt the store-house; Eumer and Djezai Beys were there. What was their position; were they in a row? This point must be established. The penalty that may be inflicted on my client on this account is very grave. Had the others lights in their hands?—*A.* The four were in a row. There was a light in Moussa Bey's hand, but not in those of the others.

Public Prosecutor.—On which side of Eumer Bey was Moussa Bey? When they were going away, were they side by side, or did they go in single file.

No answer appears to have been given to those questions. The following is another account of Izzet Effendi's cross-examination.

First question.—Were the horses standing outside side by side.

Second question.—Boghos says: "I gave warning, and afterwards describes how the fire was set:" how can this be?—*A.* My Lord, I shouted out (gave warning), and, at the same time, went straight towards the smoke.

The President pointed out that the witness used the term "gave warning" in the sense of "shouted out," and that Izzet Effendi had misunderstood it.

Izzet Effendi.—The store-house was burnt. They arrive after such a conflagration, but no harm was done to the men except that their clothes were burnt. How is that?—*A.* I shouted out. The villagers came up at once and began to rescue them.

Q. Could they not get the fire under? What did they do for that purpose?—*A.* Sir, they did their best.

Moussa Bey.—My Lord, in our part of the country, at the time he speaks of, they don't store up straw. Then afterwards he says there were 1,000 arabas of straw. How can this be?

Witness.—In answer to the President's question on this point: The clover was fresh. The straw was old, last year's. Ohannes being a great man used to receive 500 or 600 loads of straw.

Izzet Effendi.—The witness says Moussa Bey set fire to the ricks. Let him describe the position of the horses.

Witness.—My Lord, it was night. I first saw Eumer Bey.

Izzet Effendi.—Was there any light in Moussa Bey's hand, or in that of any of the others?—*A.* I only saw a light in Moussa Bey's hand.

Public Prosecutor.—Did Eumer Bey and Moussa Bey stand near each other?—*A.* They stood in a row. They did not see me, but I saw them.

Mehemet Ali Effendi.—The witness says Moussa Bey's brother went into the straw stores. Why were his clothes not burnt?

Public Prosecutor.—You have misunderstood. That was said for Migherditch's brother. One of those in the store was Migherditch's brother. There is no contradiction.

Q. Did he or Agop come first? Did he talk to Agop?—*A.* Agop came after me. I did not talk to him.

Moussa Bey.—In our part of the country there are five months of winter. How could it be old straw?—*A.* My Lord, these are the chief persons in the village. They have much straw.

The President had the other witness, Agop, sent for.

Moussa Bey.—Boghos is my enemy, and his evidence is not acceptable.

Agop, a deaf old man, was then brought in, and, on account of his deafness, not hearing the President even when speaking loudly, was brought near him.

President.—What is your name? father's name and village?—*A.* Agop, son of Carabet, of Ardonk.

Q. How old are you?—I'm past 60, 65, and 70.

Q. What is your business or occupation?—*A.* What can a man like me do, your Lordship? I am a labourer.

Q. There are various charges against Moussa Bey. Will you swear to tell the truth about what you know?

Witness sworn.

Q. It is said there was a fire. How did it happen?—A. I was sitting on my own rick. I saw smoke, went to that side, and afterwards there was a flame, first from the hay, and then from the granary. I saw three men on horseback and one on foot.

Public Prosecutor.—Who were they, and what were they doing?—Moussa Bey, Eumer Bey, and Djezai Bey, and their companions. They had lights in their hands, and were setting the fire. Moussa Bey threw a light into the hay. I shouted out "Fire," and the villagers came up, and Moussa Bey ran away.

President.—What light was thrown into the hay?—A. It was a match, and it fired the haystack. I did not see lights in the hands of anybody else. I don't know if there was anybody who saw this besides myself. We then heard three or four shots fired (according to another account two shots), but we did not see them.

Q. Are ricks near?—A. There are six ricks between mine and the burnt rick.

Q. Which burnt first of all? Where did you see the smoke come from?—A. From the straw store.

Public Prosecutor.—Let him state exactly how many men there were on horseback.—A. There were three.

President.—What was the colour of the horses?—A. One was white, and two were red.

Q. What did the villagers do when they came up?—A. A lot came. Moussa Bey ran away. We heard guns fired from afar.

Public Prosecutor.—Was there a light only in Moussa Bey's hand?—A. I saw matches both in Moussa Bey's and Eumer Bey's hands. They were lighting them.

Q. Let him state exactly whether he saw them in the hands of both, or of one only.—A. Of both.

Q. Was Moussa Bey there when the villagers came?—A. They were there, and went.

President.—Who fired a pistol?—A. They went far away, fired pistols, and I heard the noise.

Q. Where were the servants; in the straw store?—A. They were two, shut up inside.

Public Prosecutor.—Was the place shut from the inside?—A. Yes.

President.—What did they wear?—A. They had clothes on.

Q. Were their clothes burnt?—A. As far as I could see, they were not?

Q. How was that? Who got them out?—A. The villagers.

Q. Did you see Boghos?—A. Yes.

Q. Did he come before or after you?—A. I saw him there, but don't know whether he came before or after me.

Public Prosecutor.—Did you talk to Boghos?—A. Yes.

Q. What did you say?—A. I don't know; we were anxious to save the hay.

Q. Did you say that Moussa Bey set the fire?—A. At that moment I did not say it, but afterwards I did.

Q. What were the names of the servants of the granary?—A. Kenias and Hovo (Ohannes). The latter was Ohannes' son, the other a servant.

Q. What was the distance between Migherditch's rick and Ohannes?—A. There are six ricks.

Q. Did Moussa Bey run away before or after the villagers?—A. The villagers came after they went.

Q. How many times did they fire?—A. I heard two shots.

Q. What were the lights in their hands?—Was it naphtha, firewood, or a lamp?—A. No; only lighted matches.

Q. Did you see the fire yourself, or did you find it out through Boghos shouting?—A. I saw it myself.

President.—Was there moonlight?—A. No.

Q. Who told Migherditch's father that Moussa Bey had set the fire?—A. My Lord, the villagers told him, and I told him.

Public Prosecutor.—When?—A. Not then; but three or four days afterwards. I did not see him there before.

Izzet Effendi.—Ohannes gave a Petition when the event took place. Why did not he (the witness) show himself?

Public Prosecutor.—Whom else did he see?—A. The villagers I saw, Ohannes, and Carabet.

Q. What o'clock was it?—A. It was 3 or 4.

Q. What was the colour of the horses of Moussa and Eumer Beys?—A. Moussa's was white and Eumer's red.

(Public Prosecutor [sic].—This is at variance with witness' statement in the interrogatory.)

Public Prosecutor.—Did Boghos come to the place before you?—A. I don't know.

Q. You say you shouted out. Boghos shouted out, did he not?—A. Yes; we both shouted.

President.—I think this is enough for to-day.

Public Prosecutor.—My Lord, there is discrepancy in the evidence of the witnesses. They may compare their evidence outside. Let us continue a little longer, and let the hearing of the witnesses finish to-day.

The President.—As a matter of fact, this question won't finish in five or six sittings. They talk to each other and can do no harm, as hitherto they must have talked to each other long enough. Our residences are in different quarters.

Public Prosecutor.—The members of the Court may pass the night in Stamboul at friends' houses.

President.—The next sitting will be begun early.

The trial finished at 10.15 o'clock (Turkish time), and the Court adjourned till Tuesday.

[To be continued.]

(Signed) J. ALVAREZ.

November 25, 1889.

No. 30.

Sir W. White to the Marquis of Salisbury.—(Received December 13.)

My Lord,

Constantinople, November 27, 1889.

WITH reference to my despatch of the 22nd instant, I have the honour to transmit herewith a translation of the official Turkish judicial journal of the 23rd instant containing the official version of the indictment against Moussa Bey, as well as a Petition presented by him to His Imperial Majesty the Sultan, and other documents relating to the case.

I have also the honour to inclose a translation of the substance of the indictment has appeared in the unofficial local paper, the "Turquie."

I have, &c.

(Signed) W. A. WHITE.

Inclosure 1 in No. 30.

Translation of Turkish Judicial Official Paper.

Unofficial Portion.

FOR some time back statements have been made in some quarters that atrocities have been perpetrated in the Sandjak of Moush, and that Moussa Bey was the premeditated and wilful perpetrator of such crimes. Seeing not only that the complaints on the subject have found their way into the public press, but that, moreover, representations of an exceptional character have been made to the Government, both on the part of the Sublime Porte and the Ministry of Justice, strict injunctions have been forwarded to proper officials that an equitable investigation of the facts should take place on the spot, the truth of the case be brought to light, and should the allegations prove true, that the law should take its course. Thereupon, as soon as it was ascertained from intelligence coming from the scene of these alleged crimes that Moussa Bey was absent, the necessary orders were issued for his arrest and committal

to the proper Court, while at the same time Ibrahim Bey Effendi was deputed to investigate the facts in the district of Moush. The latter, on his way, was met by Moussa Bey, who expressed his horror and astonishment that they were about to arrest and imprison him without trial, and declared his readiness to submit himself to any sort of properly-constituted and formal inquiry. He, moreover, maintained, we learn, that imputed charges would, on examination, prove utterly groundless and baseless. To insure an impartial and unbiassed investigation of the alleged crimes, free from influence and prejudice, it was considered proper to have him brought to Constantinople, and to have the trial take place here. Accordingly, orders were dispatched to Bitlis, and the accused was brought to Constantinople under a special escort. On his arrival he presented a Petition, of which the following is a verbatim copy, and which was published at the time in the public journals:—

Petition of Moussa Bey.

From childhood to the present day, both in war and in office, I have ever served the Imperial Government faithfully and generously, even at the risk of my life. Nevertheless, a set of fabrications, in which I am styled villain, and one notorious for such crimes, have been presented to my just and Imperial master. Yet, while never admitting any one of these fabrications, and ever anxious to come and present my case at the Imperial Throne, on the suggestion of His Sovereign Majesty, I have accepted and have come to seek refuge at the feet of the Sultan, the focus of justice. And if in this matter any subject of His Majesty has experienced wrong or injury, or claims to have so suffered, I present myself at the Imperial refuge of justice and dare to offer the vindication of my right, if I am implicated in any of these fabricated charges, to be punished accordingly; but, if my innocence is established, to have punishment inflicted on the fabricators for the imputed charges. In any eventuality, I abide by the Imperial pleasure.

Your servant,
(Signed) MOUSSA BEY (Son of Merza Bey).

From time immemorial, it has been the duty of the Imperial Government to see justice done to all classes of its subjects. Accordingly, seeing that the change of venue in the case of Moussa Bey may entail a lot of inconvenience on the accusers, and that, perhaps, owing to their poverty, they may be prevented from prosecuting their rights, orders have been issued that the travelling expenses of the accusers should, on their application, be defrayed out of the local Treasury. Also, Ibrahim Bey Effendi has been commissioned to find out and examine the authors of these charges, which, as special information would make believe, have been brought forward in a very vague manner, and, as soon as they are discovered, to hand the matter over at once to the Court of First Instance at Constantinople. Ibrahim Bey has forwarded four Reports, worded as follows, and setting forth all that he has done in the execution of his duty.

*First Report of Ibrahim Bey Effendi, Member of the Court of Cassation, presented
July 8, 1305.*

Of the nine individuals who drew up a Petition against Moussa Bey to His Imperial Majesty, in the name of the Armenian population of the Kaza of Moush and the villages under its jurisdiction, eight have put in appearance, and, by way of preliminary inquiry, their statements have been noted down.

Of these, Khorshid Asadorian stated that last year, when he was in his native country, Moussa Bey had carried off ten oxen from a field of his brother Serope, and, subsequently, when Serope could not give 20*l.* to redeem the oxen, he had been beaten by Moussa Bey to such a degree that ten days after he died of fright. This he learned from those who had come from his country and contents of a letter received from his children. He declared that up to this he had not presented a Petition for fear of Moussa Bey, but that now he had presented it directly to His Majesty, but as he had not been eye-witness of facts, he could not by testimony prove charges; that, simply

relating his case to Irshak, who drew up the Petition, he had no authorization from the inhabitants to institute a charge on the other counts contained in the Petition.

Of the village Natauan, in the Kaza of Akhlat, a cobbler, Hazar Karabetian, and a labourer, Eranos Ohannesian, and a labourer, Migherditch, son of Ibrahim, said that they had heard from various sources that two and a-half months before their relatives, Manok and Oglu Agop, had been murdered by Moussa Bey. The same witnesses said that the sons of the murdered men were going to Constantinople to make their Petition, and that they (the witnesses) had no power to act for these petitioners. One of the same witnesses, Franos, said that Moussa Bey had robbed him of twelve sheep and two cows, and that he had become a "partie civile" against Moussa Bey on that ground, that he had brought his complaint before the Kaïmakamlik of the district, but without result; that he had not seen Moussa Bey take his beasts, and therefore could not prove the robbery. Another witness, Eranos Hazarian, of the village Uzun, said that Moussa Bey had violated his daughter; that he might have brought his complaint before the local Court, but knew it would not be attended to; that he had come two years before to Constantinople and brought his case to the Patriarchate; that the Patriarchate had since sent him no satisfactory answer; that this complaint of his daughter's violation was not included in the Petition which had been presented, but that he was ready to present this further Petition; that, nevertheless, such outrages could not be proved by witnesses, and consequently he would not be able to show that Moussa Bey had done the act.

A stone-cutter, Migherditch Ohannesian, of the village Ardonk, said that three years before his barns and hay in his native place had been burnt by Moussa Bey; that in the local inquiry the villagers had been afraid to appear, and consequently the inquiry had been without result; that afterwards Moussa Bey had taken from him 20 liras, and that one night Moussa Bey had bored a hole in the wall of his house and taken away property of the value of 3,500 piastres; that he himself was not able to prove these charges, but that his elder brother, Carabet, would go to Constantinople to make his complaint against Moussa Bey.

Arsh Hazarian, native of Moush, living in service in Constantinople, said that he had no complaint against Moussa Bey; that his Petition had not been presented at the regular time; that he had gone as a spectator to the Selamlik, and seeing some Armenians there making Petitions had joined in their cries.

Arshak Hashourian, native of Moush, who has been a commission agent in Constantinople for the last year and a-half, said that he had suffered no direct injury from Moussa Bey, but that, by reason of Moussa Bey's acts, he had been unable to recover money due to him in Moush; that he derived his knowledge of the facts from persons who had suffered injury, and from Petitions to the Sublime Porte and to the Patriarchate.

Another petitioner, a porter (Mooses), was called, but had changed his address, and could not be found, and no evidence was obtained from him.

Moussa Bey, on being questioned, denied the stories of the witnesses, and said that, till the time of Arif Pasha becoming Vali, he had lived on excellent terms with the Armenians, and that, in accordance with written requests of Armenians, he had been appointed Mudir of his district; that while he was Mudir a certain Armenian Papas, named Yarim, had gone about intriguing amongst the Armenians, and he had caused Yarim to be apprehended on evidence of one of these intrigues; that in consequence Armenian feeling had been excited, and these charges got up against him; that the daughter of Anko, of the village of Moushahan, had been driven out and abandoned by some Khoja before the war when she was 10 years old, and his (Moussa's) father, Mirza Khan, had caused the girl to be found and sent back to her father; as to Bostourian Aukhan, of Arghwan, he had been killed by a thunderbolt while he (Moussa) was at Bitlis under orders from the Grand Vizier, and he had heard that it had been so decided by the local Court; and as to the daughter of the shop-keeper Miro, of the village of Hars, he had not abducted her, but she had, two years before, of her own free will, married Jezair Bey, his brother, and had adopted Islam, and was living at present as the wife of the said Jezair Bey; and as to Agho, it had been proved from the inquiries instituted by the Moush Courts of Justice, that he had died a natural death, and the charge of having murdered Agho's son and stolen his property was equally groundless, and Ohannes, of the village of Ardonk, had brought his complaint before the Moush Tribunal, and the truth would be ascertained there. In fine, Moussa said that all the charges against him were baseless.

It appears from the foregoing examination, that of the nine persons presenting the aforesaid Petitions, one has changed his residence, so that his evidence cannot be

obtained, five are unprovided with the necessary powers of attorney, or cannot be "parties civiles," and the evidence of these five is not clear or trustworthy, and comes to nothing.

Khorshid Asadorian and Eranos Hazarian, and the stone-cutter, Migherditch Ohannesian, are entitled from facts which they allege to be "parties civiles" against Moussa Bey, but bring forward no sufficient evidence of these facts to prove the falsehood of his denial of them, while the remainder of their Petition does not show any further damage done to the petitioners. The evidence of Arshak, who said he had suffered no direct injury from Moussa Bey, but that he could not recover sums due to him from inhabitants of Moush by reason of the robberies and murders committed by Moussa Bey, is unworthy of attention, and seems to have been given merely in order to increase the number of petitioners against Moussa.

The alleged crimes are of course being inquired into by the local authorities, who will arrive at a decision on each one of them. Whether Moussa Bey is guilty or innocent, and whether the investigation by the local Courts is sufficient, are the questions submitted to his Highness the Grand Vizier. Inclosed herewith are thirteen pages of depositions and the annexed documents.

Second Mazbata, submitted August 23, 1305.

The first Mazbata, inclosing complaints against Moussa Bey, has arrived at Constantinople within this week.

The petitioner Miro from the village of Hars, in the district of Moush, declared that on a night in March, in the year 1305, Moussa Bey came to the village where petitioner lives, and shot dead petitioner's father Agop, aged 70, and broke the arm of petitioner's wife, and abducted Bakara, aged 14, the daughter of his brother, and stole cash and property to the amount of 3,000 liras. Petitioner produced witnesses, Vartan, Bedo, and Kiraghoz, who said they had seen Moussa Bey murder Agop. Moussa Bey, on the other hand, declared that Agop died a natural death.

[It is humbly requested (?) of his Highness the Grand Vizier, that he will cause a telegram to be sent to the Public Prosecutor at Moush, ordering him to transmit here the Report of the circumstances of Agop's death (?).]

Third Mazbata, dated August 26, 1305.

(After referring to the contents of the first and second Mazbata.)

Until the arrival of the Report referred to at the end of the second Mazbata, there is no further step to be taken, so far as the preliminary examination is concerned, in the case of the murder of Agop, or in those of the other nine petitioners, and the further proceedings will take their course according as a "Juge d'Instruction" decides, whether these cases are to be brought to trial or not. Accordingly, the documents containing the complaint and evidence of Miro are sent herewith to be placed in the hands of the Public Prosecutor of the Court of First Instance in Constantinople.

The preliminary examination of the complaints addressed by Makarye Ali Aga to the Ministry of Justice (?) will be commenced to-day, and after the completion of the preliminary examination of these complaints, and of any others which may be brought forward, these cases too will be put in the hands of the aforesaid Public Prosecutor.

Fourth Mazbata, dated August 28, 1305.

Makarji Ali Aga, of Diarbekir, declared that Moussa Bey had robbed him of cash and personal property to the amount of 200 liras, and that he had brought his complaint before the Court of the Vilayet of Bitlis without result. Moussa denied the charge. Ali Aga produced Manok and Usseb, witnesses of the robbery. There appeared to be discrepancies in the details of the evidence given by these witnesses, and the examination was closed.

The case of one Timo, who said that Moussa Bey had robbed him of sheep, and had wounded him with a gun-shot, and the case of Ohan and his wife, Gulazar, who said their hay had been burnt and their property stolen by Moussa Bey, have been

referred to in our third Mazbata, and have been put in the hands of the Public Prosecutor to be brought before the "Juge d'Instruction" in Constantinople. In the cases of another Gulazar, alleged to have been carried off to the mountains and forced to marry Moussa Bey's brother, and of the robbery of twelve sheep and two cows, property of Eram, of the village Tedwan, and of the murder of Eram's father and brother in the same village, in all these cases the complainants, though repeatedly summoned, have failed to appear before us.

The cases in which our preliminary inquiry has been completed now pass into the hands of the Public Prosecutor, but we will endeavour to facilitate the inquiry by the "Juge d'Instruction" by any other means which it is in our power to use. In the cases referred to, viz., those of Miro, of Khorshid Asadorian, of Iranos Hazarian, of the stone-cutter, Migherditch Ohannesian, of Timo, of Makarji Ali, and of the other Iranos, the preliminary examination has been completed. The complaints of Kyraghov, of Murad, and of Komash have also been sent to the office of the Public Prosecutor. The Public Prosecutor has duly set on foot the subsequent inquiries. Considering the extraordinary importance attached to the case, we have thought it advisable to begin to-day to publish in full all the documents in it.

Following is a Declaration made on the 8th September, 1305, by the plaintiff, Khorshid Asadorian, of village of Tedwan, in Kaza of Akhlat (Bitlis Vilayet), who gives himself out as a labourer, residing at Pera, in Bagaheli Han, at Papasskeupri.

Q. How long have you been in Stamboul?—A. I've been here for three years

Q. During that period, have you ever gone to your native place?—A. No.

Q. What charge do you bring against the Kurd, Moussa Bey?—A. About fourteen and a-half months ago, one evening near 8 or 9 o'clock, my eldest brother, Serope, and my young brother, Kevork, were ploughing with ten oxen in the field, when Moussa Bey came up with ten horsemen and carried off the oxen. My brother, Serope, went after him, and when he arrived in Moussa Bey's village, said to him, "My oxen have come here; hand them over to me." Moussa Bey replied, "Give me 20 liras and I'll find your oxen and give them to you." Serope answered, "If I've got 20 liras, all right, I take the ten oxen. My oxen are in your stable; come, let me take them." Thereupon Moussa Bey got his men to beat Serope. My brother then left the place. Moussa sent some men after him to kill him, but as some people joined him on the road they could not do so. Five days after he came to his village he died of fright. This is my charge, and my only charge.

Q. At that time you were in Constantinople. How do you know that the facts took place in that way?—A. People coming from the place told me about it.

Q. Have you got friends there?—Yes.

Q. Did you bring an action in the province?—A. Whom was I to bring an action against? He was the Pasha; he was the Kaïmakam.

Q. Did you report the matter to the authorities? Has your brother been examined?—A. We did not report it to the authorities. My brother has not been examined.

Q. Is there any one who saw your brother's oxen taken by Moussa Bey, and saw the latter have your brother beaten?—A. The oxen were taken at Dogh Bashi, and my brother was beaten at Moussa Bey's village. Even if there were any eye-witness from Moussa Bey's village, he wouldn't say so.

Q. How are you going to prove that the oxen were taken and your brother beaten?—A. I have no witness; how am I to prove it?

Q. Sign this declaration.—A. I sign. I have a seal.

(Signed)

HUSSEIN SEDKY.

AHMED.

KHORSHID ASADORIAN.

Declaration of Moussa Bey, taken September 11, 1305.

Q. State your name, father's name, age, and native place?—A. My name is Moussa Bey; my father's name, Merza Bey. I was born in Jinyar, in the Sandjak of Moush. I am 34 or 35 years of age. Have been Mudir for a time, and gain my living by farming tithes.

Q. Are you married? Have you any children? How many? Have you any

real property?—*A.* I am married, have three wives, four children (two sons and two daughters), and own five farms and a house.

Q. What's the distance between Tedwan and your village?—*A.* About fifteen hours' distance. Tedwan is in Sandjak of Bitlis. Our village is in Sandjak of Moush.

Q. It is alleged that some fourteen and a-half months ago you went one day, with ten horsemen, to Tedwan, and seized ten oxen belonging to Serope, who were ploughing in his field?—*A.* I came here six months ago. A year before that, by order of Sublime Porte, I was in Bitlis with my wife and family. I never left Bitlis, as the Vali Pasha would not give me leave. Thus there is no ground for this charge, and I did not take the oxen.

Q. Did you never leave Bitlis?—*A.* This spring I went to Koi. My family remained in Bitlis. I received the tithes of the Caza of Koi. After that, on orders from here, I came to Stamboul.

Q. The brother of Serope states that, when you had taken the oxen, Serope went to your village; that you beat him because he demanded back the oxen, and that he died from fear that you would send some one to murder him on his return to his village?—*A.* No such thing ever happened. If it did, there is a Mudir there, a Mutessarif, a Vali; they would know about it.

Q. If you never took the man's oxen, why should he bring an action against you?—*A.* This Khorshid has been for five or six years in Stamboul. If such a thing happened, either he would bring an action before local authorities, or immediately after the event would bring an action before the authorities here.

Q. Has he brought such action?—*A.* Now for the first time I hear of it. There is no such charge. He has no grudge against me, and has been urged on to it by other parties.

Q. When did you go to Bitlis with your family?—*A.* Last spring, in the end of March. I changed my residence from Moush to Bitlis.

Q. Sign this declaration.—*A.* I have a seal.

(Signed)

MOUSSA SUHBY.
HUSSEIN SEDKY.
AHMED.

Decision.

This Declaration has been examined.

Whereas in the interrogatory instituted with regard to the accused, the Kurd, Moussa Bey, 35 years of age, of Junja, in Sandjak of Moush, on a charge of having, some fifteen months ago, seized the oxen of one Serope, the brother of Khorshid Asadorian, of the village of Tedwan, and of having subsequently, by pursuit and beating, frightened to death the same Serope; the plaintiff, Asadorian, stating that, inasmuch as he has no eye-witness of his asserted seizure, beating, and frightening, he cannot prove the charge by producing witnesses; and as, owing to the matter not having been reported to the local authorities, his brother has not been examined, no proof of any kind is adduced against the denial of Moussa Bey; and, whereas the charge rests solely on the statement of the complainant Khorshid, in accordance with the 123rd clause of the provisional Law of the Criminal Courts, no trial shall be granted against Moussa Bey.

2 Safer, 1307 (September 16, 1305).

Declaration taken on the 7th September from the Complainant, Iranoss Hazarian, of the Village of Icut, in the Sandjak of Moush, of no fixed Employment, and residing in Bujuk Vezir Han.

Q. How long have you been in Constantinople?—*A.* Two years and a-half.

Q. During that period have you visited your native place?—*A.* No.

Q. What is your charge against Moussa Bey?—*A.* About two years ago I was in my country. I don't know which month it was. One day Moussa Bey sent one of his men named Mardiros. Mardiros came to me; "Moussa Bey wants you," he said. I arose and went, and my son Hatchik came with me. Moussa said to me, "You have been complaining against me." "God forbid!" I replied; "I never complained." "You will remain here to-night," he said. I remained in the room of the

Keaya. That night I was guest in the room of the Keaya. In the morning I went to Moussa Bey. "I am going," I said. "Go," he replied. I went home. My wife then said to me, "Last night Moussa Bey came, knocked at the door, and entered. Two servants held me while Moussa Bey violated our daughter." I reflected; "I am afraid to report the matter to the authorities. I pay 5,000 piastres a-year in taxes. My honour is gone. I can no longer stay in this country." Then I left my country and came here, while my family remained there.

Q. According to your declaration, you did not report the matter to the local authorities.—A. No; I did not. I was afraid he would kill me.

Q. How are you going to prove that Moussa Bey violated your daughter?—A. It was night. I have no one but God to prove it.

Q. What is your daughter's name? How old is she?—A. Her name is Onouder. She is 18 years of age. When Moussa Bey violated her she was married. Her husband's name is Hama; he is living in the village of Karis.

Q. You have reflected a long time about the name of your son-in-law?—A. I forgot his name, and reflected till I remembered it.

Q. If your son-in-law is in Karis, it is only natural that your daughter should be there also. According to your statement, Moussa Bey violated her in your house. How was it that she was there?—A. Three days before the event I sent for her. Her husband remained in his village.

Q. What is the distance between your village and Moussa Bey's village?—A. About three-quarters of an hour.

Q. How did Moussa Bey know that your daughter was in your house?—A. Moussa is always coming and going in our village.

Q. Have you any other charge against Moussa Bey?—A. Yes.

Q. What is it?—A. Three years ago Moussa Bey built a kiosk on the village pasture-ground. At the time I was village Keaya. He asked me for ten workmen; I sent him ten villagers. They worked sixty days, and he never gave them a farthing wages. They had to find even their own bread.

Q. What are the names of the labourers you sent?—A. They were village folk. But ten did not work continuously. They took it in turns, ten one day and ten the next; and thus for sixty days, every day ten worked.

Q. Are you authorized to prosecute the claims for wages of these men who worked for Moussa?—A. No.

Q. Have you any other charge?—A. Every year Moussa Bey employed 100 carts and 200 men in the fields and in collecting the leaves, and never paid a day's wages.

Q. Have you been delegated by the village people to bring claims against Moussa Bey?—A. Not in writing.

Q. Any other charge?—A. No.

Q. Sign this.—A. I sign.

(Signed)

AHMED.

HUSSEIN SEDKY.

(Signature in Armenian.)

Interrogatory of Accused, Moussa Bey.

Q. What is your name, your father's name, and your age?—A. My name is Moussa Bey; my father's name, Merza Bey. I was born in Jinyar, in the Sandjak of Moush. I am 35 or 36 years old, was for a time Mudir, and live by farming the tithes.

Q. Are you married? Any children? How many? Have you any landed property?—A. I am married; have three wives, two sons, and two daughters. I have five farms and one horse.

Q. How far is Izut from your village?—A. It is an hour and a-half distant. Real name is Uzut.

Q. Do you know Iranoss Hazarian, of Uzut?—A. I do.

Inclosure 2 in No. 30.

Translation from "Turquie" of November 26, 1889.

IN the Criminal Division of the Court of Appeal, the President, Hussein Ruchdi Effendi, and the Judges Nechet and Haidar Effendis, composing the Court of "Mises en Accusation," being present in the Court-room, together with Reouf Bey, substitute for the Public Prosecutor in the Court of Appeal, Mendouh Bey, Clerk of the Court, read out the statement of the Public Prosecutor in the Court of Appeal of the 15th Rebi-ul-Ewel, 1307, and the 28th October, 1305, No. 5049, in opposition to the decision of the examining Magistrate ("Juge d'Instruction") of Stamboul, of the statements of the Public Prosecutor of Stamboul, and of the plaintiff, Migherditch Ohannesian, against the said decision, and other documents, all of them annexed to the first document, and deposited in the said Criminal Division. These papers were shown to have been presented within the term prescribed by the law.

The decision, apparent from these documents, is in substance as follows:—

The Kurd, Moussa Bey, is charged—

1. With having proceeded to the village of Ardonk, in the Sandjak of Moush, and there burnt a barn containing agricultural instruments, clothes, and other effects, as well as piles of wood and instruments for chopping straw and grinding barley, lying outside, the whole being the property of Migherditch, son of Ohannes.

2. With having entered the latter's house by breaking in the wall, stolen his effects, demanded and obtained by violence the sum of 20*l.*, after having bound and threatened the elder brother of the said Migherditch.

It appears from the examination that the depositions made on this matter are contradictory and inaccurate.

In a statement by the substitute for the Public Prosecutor at Bitlis of the 30th August, 1305, it is alleged that Ohannes, the father of the said Migherditch, had previously had recourse to the authorities of Moush, to whom he had declared that the barn for housing straw had been burnt with all its contents at the instigation of Moussa Bey or of Suleiman Bey, his relative, on the night of the 16th July, 1303, but that he had been unable to prove that the barn had been burnt at the instigation of the said Beys. Migherditch now maintains that Moussa Bey in person set fire to the barn and mills. He endeavours to prove this charge by means of witnesses he has procured. He declares that he saw with his own eyes Moussa Bey light the fire, whereas on the night of the fire he was at Bitlis.

The above having shown the character of the charge, and contradictory depositions being inadmissible as legal proofs, it has been decided to dismiss the charge against Moussa Bey.

The indictment of the Public Prosecutor of Stamboul is in substance as follows:—

Although it has been decided to dismiss the charge against Moussa Bey, basing this decision on the ground that the depositions of the witnesses taken and recorded in the course of the inquiry opened on the charges of arson with malice aforethought, and of robbery made against Moussa Bey by Migherditch, son of Ohannes, having appeared contradictory, this point can only be judged by the competent authority, the above-mentioned decision ought to have been annulled [*sic*], inasmuch as it is not in conformity with the law.

In his demurrer (opposition) Migherditch Ohannesian maintains that the decision of the Stamboul examining Magistrate is illegal. He demands that it shall be quashed, and claims a full inquiry, in order that he may be heard as plaintiff.

In his "acte d'opposition," the Public Prosecutor in the Court of Appeal says in substance as follows:—

Although the depositions of the witnesses are contradictory, and that the nature of the charges made by Migherditch, who regards himself as plaintiff, and who has signed as prosecutor the demand containing his demurrer to the decision of the examining Judge, establishes the futility of his claim. Nevertheless, as it is equally stated in the demurrer of the Public Prosecutor in the Court of First Instance, the right of judging belongs to the competent Court, and inasmuch as, according to the declarations made, the act of Moussa Bey rendering him liable to the heaviest penalty falls under the provisions of Article 163 of the Penal Code, I oppose the decision to dismiss the charge (*non-lieu*). I demand that it shall be quashed, and that the charge against Moussa Bey shall be proceeded with, as also the overruling of the objection to the signature by the said Migherditch of his demurrer as prosecutor, on the ground that such demurrer is not authorized by law.

After examining the remaining documents, the substitute for the Public Prosecutor repeated the substance of the above-mentioned demurrer, and the Clerk of the Court handed over all the documents to the "Chambre des Mises en Accusation" (Court of Indictments).

The latter, after deliberation, resolved that—

Whereas, although Migherditch has demurred to the decision, he has stated in his signature at the foot of his demurrer his capacity as prosecutor, and therefore has no legal ground for demurring :

Whereas, in the sentence of dismissal of the charges pronounced in the trial of the prisoner, Moussa Bey, the examining Judge acted contrary to law in pretending to judge the evidence, a function belonging to the Court; and whereas the Public Prosecutor in the Court of First Instance and Court of Appeal have objected :

And whereas, the acts mentioned are sufficient to justify the indictment of the prisoner Moussa Bey; and whereas the charge rendering him liable to the heaviest penalty is one of the crimes provided for by Article 163 of the Penal Code :

Therefore, it is decided unanimously on the 17th Reby-ul-Ewel, 1307, and the 30th October, 1305 [*sic*]

To quash the demurrer of the said Migherditch.

To overrule the said decision in conformity with the objections of the Public Prosecutor.

To indict and arrest the said Moussa Bey, in conformity with the provisions of the Articles of chap. ii of Book IV of the Code of Criminal Procedure.

In consequence of these decisions, a warrant for arrest was issued and sent to the proper authority, together with the previous papers on the subject.

The indictment, which is short, is a mere repetition of the above-mentioned report.

The "Hakikat," in its issue of yesterday, states that it discusses the Moussa Bey trial instead of the attacks of the Hellenic press, adding that no one need be surprised at this, as the Moussa Bey question, which, like that of Crete, only had a local importance, has become famous, and that an attempt has even been made to invest it with a political character. It has been pretended that the defendant in this case enjoyed such protection as to render him safe from prosecution. Moussa Bey, by coming forward spontaneously and declaring that he was ready to be judged by the Tribunals if there were any plaintiffs against him, has annihilated all these malevolent insinuations, and the fact of Moussa Bey being tried by the Criminal Court proves how calumnious these assertions were. The Turkish paper says that it was precisely because Moussa's name was in every mouth that so many Europeans and correspondents of European newspapers were present at the Criminal Court. The result of the trial cannot be prejudged, however, even admitting that the charges of murder, rapine, &c., brought against Moussa Bey, are proved: are not monsters who have committed crimes of this nature often to be found in the most civilized countries? Were Moussa Bey, who is now being tried publicly, to be acquitted to-morrow, what would not the feeling of shame be of those who have published so many articles about him? If, on the contrary, he be condemned, he will be punished as common criminals are who commit outrages, rapine, murder, &c. In the latter case also, those same persons who have filled the columns of the foreign newspapers with their writing will experience the same feeling of shame when they see that the Imperial Government has denied in a signal manner that it does not grant its protection to criminals of this class. And the "Hakikat" concludes by remarking, "That is the reason why every one follows with interest the trial which is, whilst we write, taking place in the Criminal Court."

No. 31.

Sir W. White to the Marquis of Salisbury.—(Received December 13.)

My Lord,

Constantinople, December 3, 1889.

WITH reference to my telegram of the 2nd instant, I have the honour to transmit herewith a translation of the Judgment pronounced by the Criminal Court of Appeal in the Moussa Bey case yesterday.

I have, &c.

(Signed) W. A. WHITE.

Inclosure in No. 31.

Judgment pronounced by the Criminal Court of Appeal in Moussa Bey's Case, as given in the "Tarik" of December 3, 1889.

(Translation.)

AFTER hearing the claims and replies of the parties, and after perusal and examination of the documents of the investigation, the case was deliberated upon; and, as will be shown in the detailed record of the proceedings and in the Judgment to be drawn up, considering that the evidence given respecting the acts which are laid to the charge of the accused, Moussa Bey, is conflicting, and therefore cannot be looked upon as quite sufficient to satisfy the conscience, on the charge of arson and extortion he is acquitted, as there was not a majority, and on the charge of burglary, as there was unanimity; and as to the charge of the murder of Malkhass, as the majority of two-thirds on the point of his criminality could not be obtained, he was acquitted, and decision given for his release, if he is not under arrest for another charge.

9 Reby-al-Akher, 1307 (November 20, 1889).

No. 32.

Sir W. White to the Marquis of Salisbury.—(Received December 13.)

My Lord,

Constantinople, December 4, 1889.

WITH reference to my despatch of the 27th ultimo, I have the honour to transmit copy of a further full Report, by Mr. Alvarez, of the continuation of the trial of Moussa Bey.

I have, &c.

(Signed) W. A. WHITE.

Inclosure in No. 32.

Continuation of Mr. Alvarez' Report.

ON Tuesday I attended at the Criminal Court of Appeal shortly after 11 o'clock, but the Court did not sit till about 12. The Court-room was, as before, densely packed, though not to the same extent as on the previous occasion. M. Dimitriades, Dragoman of the American Legation, attended, M. Gargiulo being unable to be present. The same Palace functionaries who came on Saturday were present to-day (Tuesday). On entering the Court, I noticed that M. Ledoulx, French Dragoman of Embassy, was present, and, subsequently, M. Marghetich, Dragoman of the Belgian

Legation, came in and heard most of the case. The audience was much quieter, and listened to the proceedings with unflagging interest. As on the previous occasion, a large number of persons had to be refused admittance, and expressed their disappointment as before.

The Court was composed of the same members who sat on the previous occasion, with the exception of Tahsin Effendi, who was replaced by Salih Bey, Assaf Pasha Zadé, the Public Prosecutor (Khaled Bey), the Clerk of the Court (Azmy Bey), with the lawyers, Simon Tingher Effendi and Izzet and Mehmet Ali Beys, were also present. Moussa Bey was in the dock.

Although, in reply to the telegram sent by Simon Tingher Effendi, plaintiff's lawyer, the power of attorney, which it was said would be sent, was received from the plaintiff Ohannes by telegraph, it appears it was not couched in the usual and proper form required by law, and the Public Prosecutor, to whom it had been previously shown in the Judges' room, and who then pointed out its inacceptability, repeated that it could not be accepted. Thereupon, Simon Effendi presented a Petition from Carabet, son of Ohaunes, who maintained that Moussa Bey bound him, in order to obtain 20 liras by force from him. This was seen to be in perfect order, and Simon Tingher Effendi was declared his representative, with the usual formalities, after Carabet's identity had been duly established by the two witnesses from Ardank who were examined on Saturday, viz., Boghos and Agop. By the President's orders, the various documents, such as the act of accusation, &c., and *procès-verbal* of the previous sitting, were read, for the information of Salih Bey, who had not been present. I listened most attentively, and was glad to notice that hardly any points in the case, although a very lengthy one, had been omitted, whereas I had remarked important omissions in the reports of two of the leading Turkish papers, the "Tarik" and the "Saadet." After its perusal, the President inquired of all the parties in the case whether there was any exaggeration or omission. The plaintiff's lawyer had no objections to make. The defendant's lawyer said the only omission noticeable was the absence of Moussa Bey's statement, when under examination, that he was at Moush at the time of the fire. The Public Prosecutor said—"When the witness for the arson, Agop, said he saw Moussa and Eumer Beys at the fire—the name 'Jezay' was inserted in the *procès-verbal*. Then Agop said, 'I saw and talked to Boghos;' while in the *procès-verbal* no mention of the talk is made. I see no other errors." After a slight discussion these corrections were made.

Mehmet Ali Effendi, on behalf of Moussa Bey, rose, and by permission of the President, who had first recommended him to reserve his remarks when speaking for the defence, proceeded to attack the evidence of the two witnesses:—

"Article 270 of the Code of Criminal Procedure, in its middle paragraph, gives a wide authority to the lawyers of the accused, and at this point I am obliged to make use of these rights and authority, and to say what may serve as the basis for the defence, in opposition to the persons and evidence of witnesses, once they have been examined."

President.—Proceed.

"My Lord, before objecting to the evidence of the witnesses, profiting by Articles 268 and 269 of the Law on Criminal Procedure, I make the following objections against the persons of the witnesses. Boghos and Agop, who gave evidence about the arson, have a secret enmity to my client on account of the priest, and have been for the past four years presenting petitions, citations, and Mazbatas to the administrative and civil officials of the Mutessarifate of Moush and Vilayet of Bitlis, and have been telegraphing to high quarters, thereby plainly showing their hostility, and therefore their evidence has no weight at all against my client, and is valueless in the eye of the law. Let us come to the evidence of these witnesses. The objection that will be made to their evidence consists in showing your honourable Court that the witnesses contradict and conflict with one another and with the deposition of Migherditch, who was called a plaintiff, and who was rejected in that capacity. To do so it is requisite to enumerate, in the first place, Migherditch's conflicting statements, and, secondly, the contradictory character of the witnesses' evidence. Taking this as a basis, I should first submit the contradictory nature of Migherditch's depositions. Notwithstanding that Migherditch himself suffered no damage, had no personal claim of any kind, and did not produce any official power of attorney on behalf of his father, he makes his appearance in the manner described by my client when under examination, and represents the case of arson which is laid to the charge of Moussa Bey in the following manner before the Judge of Instruction. Three years ago, one night about 6 o'clock, while sleeping in his own house, he was informed by Boghos, a villager of his village, that there was a fire. He awoke and went to the granary,

declared he saw it burning, and Moussa Bey with his associates, arms in hand, blockading the granary and preventing the extinction of the fire, and that the hay, straw, and clothes, with other property kept there, as if they were afraid brigands would come down upon them and pillage their houses, were burnt, as well as three stacks of hay and one stack of wood, and thirty-five arabas of barley which were in the granary were also burnt; that Boghos and Agop of the same village were eye-witnesses of the setting of the fire by Moussa Bey, but notwithstanding that they informed the local authorities at the time, the villagers, being afraid of Moussa Bey, would not give evidence. This was the statement he made to the Judge of Instruction in the first interrogatory, and that made to his Excellency Ibrahim Bey, member of the Court of Cassation, is in contradiction to it, as it is therein stated 'that he was at Bitlis on the night when the granary was burnt, and did not know the names of those who saw Moussa Bey set the fire.'

"On being asked by the Judge of Instruction to explain this contradiction, he gave the contradictory answer, 'that as a matter of fact he was at Bitlis on the night of the fire, and though he did not see that Moussa Bey set the fire, by mistake he said the contrary, and the villagers and his brother Carabet saw those who set the fire.' And whereas the existing and customary procedure with regard to the traces of the fire, murder, &c., according to law requires, first of all, that the existence of the crime should be shown by a *procès-verbal*, and an autopsy drawn up by official functionaries, and, secondly, that the proofs should be clearly stated, this notwithstanding he says also that at the time of the fire he had recourse to the local authorities. Had such a crime really been committed, in any case it is evident that the Assistant Public Prosecutor at Moush and the Judge of Instruction or other officials of judicial police would have gone to the spot, and would have hastened to draw up a *procès-verbal* and make an autopsy, and especially as Migherditch's father had previously maintained that this arson was committed at the instigation of Moussa Bey and his relation Sulciman Bey by another person, but had not been able to prove that according to the Assistant Public Prosecutor's official despatch No. 22, dated the 30th August, 1305, and whereas his brother and servant, Ohannes, whilst asleep at the time of the burning of the straw store, had all their clothes burnt, but were themselves not burnt at all, nor had they on any part of their limbs wounds or scars, which is unimaginable and unnatural, and if there be any wound or scar, the fact that there was no sort of doctor's report to prove their existence is in opposition to law and science; and although it is stated that Moussa Bey committed this arson because, on being dismissed from his post of Mudir, he asked the villagers for a testimonial to his good conduct, which they refused to give, hostility would not be necessitated by Moussa Bey's asking the villagers for a testimonial (and not getting it), and if there was such hostility it would necessarily follow that he would have done this to the Moukhtars and priests of the villagers who did not give the testimonial, and therefore this statement is false."

At this point, the President asking him whether his speech would be much longer, he replied :—

"Naturally, because, as it is necessary to set forth now the contradictions brought about by the erroneous and conflicting statements in the evidence of the witnesses, I shall, with your permission, set forth the conflicting evidence which, while completing these statements of Migherditch, I consider forms a starting-point for the refutation of of this witness' evidence."

Public Prosecutor.—He may say this afterwards.

Mehemet Ali Effendi.—What has to be said about the contradictions between the evidence of the witnesses and their depositions should be said at this point of the trial. I am bound to defend these rights of mine to the last extremity, and have a demand to make respecting them.

The Public Prosecutor stating that witnesses concerning another case cannot be heard, Mehemet Ali Effendi said, "The witnesses will give evidence about another case. I am about to discuss the contradictions of the witnesses with regard to this case. It is not necessary to put off my demands on the ground that time is passing, and as it will be a reason for the annulment in Cassation of the sentence to be given, I should like decision to be given that I should not be heard."

The Public Prosecutor demanded from the Court a decision for the rejection or acceptance of his demands. Decision was given for the hearing of them after the hearing of the witnesses.

On this point the President questioned Moussa Bey, who said :—

"My Lord, whatever these people say is false, because, from their statements, it appears a store was burnt, while in our country there are none. What they call a straw store is a stone building half as high as a man, which is filled with straw. If the straw inside this had burnt there would have been no flame, but it would have become as black as soot. Besides this, Agop, who was 70 or 75, and deaf, had, according to his own statement, the seventh rick in the line where the burnt rick of Ohannes was, and as the interval between each rick is twenty or thirty paces, the space between each is a question of five minutes' walk, which makes a distance of thirty-five or forty minutes. How was it that Agop, who is so old, came so far at once, and how could he distinguish me and observe that I had matches in my hands; for what they call naphtha lights are common matches? If I were to go as far as St. Sophia I wonder if he could see me? Besides, at that time Tahir Pasha, Ali Pasha, and Saleh Pasha, and myself, with 150 people, had gone to Samosa (? Sassun) to collect revenue, which is a distance of exactly forty hours from their village. On the night when the fire took place I was collecting revenue. How could I have come and gone so far?"

Izzet Effendi.—My Lord, this point is certainly a most important one. Consider that it is impossible for a man to pass over such a distance of 80 hours so easily.

Public Prosecutor.—These are, as a matter of fact, things proper to the defence. Mehemet Ali and Izzet Effendi wanted to say a few words, but have been very long about it, whereas your honourable Court is occupied. In my humble opinion the witnesses must be heard first, and then for the defence to be made. Must all of it be heard? There is no meaning in discussing the case piecemeal.

After deliberation on the point of his being heard, or not, which deliberation he asked for, his speech was postponed till the defence, by the President's orders.

The witness Ohannes was brought into Court.

President.—What is your name and father's name?—*A.* Ohannes, son of Ohannes.

Q. Where do you come from?—*A.* From Moush.

Q. How old are you?—*A.* 46.

Q. Where do you live now; what is your business?—*A.* I am working in a mill at Scutari.

Q. How long is it since you came from your country?—*A.* About nine months.

President (pointing to the plaintiff Carabet).—Do you know this man? Is there any relationship between you?—*A.* Yes, I know him. There is no relationship, but I know him as a villager.

(*Witness sworn.*)—One night I left my room and walked about the village.

President.—Why were you walking about?—*A.* As a watchman.

Q. Did you always walk about?—*A.* We sometimes walk about, and that was the case that night.

Q. What o'clock was it?—*A.* 4 or 4:30. We met several people.

Q. Who were they?—*A.* Moussa Bey and his companions.

Q. Did they say anything to you?—They saw me. "Don't come here or I'll burn you," said they.

Q. Afterwards what did they do?—*A.* They entered the house and took the goods away.

Q. From where did you see them take the goods away?—*A.* From the place where I was.

Q. Did you wait until they left the house?—*A.* Yes.

Q. How much property did they take away, and of what kind was it?—About six loads; clothes, linen, &c.

Q. Could it have been six loads of linen? How could you see that it was linen; were you near them?—*A.* They were not horse loads, but men's loads. I am not certain it was linen. I was near them.

Q. How did they break through the roof? Who went in?—*A.* They pierced it with the staves in their hands. I don't know who went in. They were two persons.

Izzet Bey.—Let him describe them well and exactly.

President.—Were you the watchman of the village? Were you alone?—*A.* It is usual for us to walk about. We watch by turn. I was alone.

Q. What space did you go over?—*A.* I went over four streets.

Izzet Bey.—Did they pierce another hole there? How long did he and how long did Moussa Bey stay there?—*A.* Yes, while there they pierced the hole. For forty minutes or perhaps an hour.

Public Prosecutor.—How large was the hole?—*A.* About an arshin and a-half.

President.—Could a man pass through it?—*A.* Yes, he could.

Izzet.—What was the thickness of the wall?—*A.* An arshin.

Public Prosecutor.—Was there a bed among the property stolen?—*A.* No.

Izzet.—How long did they take to pierce the wall?—*A.* When I went they were piercing the wall.

Izzet.—Here is a contradiction.

President.—Who went through the hole?—*A.* Two persons, Eumer and Mourad Beys.

Izzet.—Who came out first? Was there any light on the scene?—*A.* I don't know; it was dark.

President.—Who pierced the wall and with what did they pierce it?—*A.* Mourad Bey, with his staff.

Q. Where was Moussa Bey?—*A.* Near the window.

Q. What part of the wall were they piercing?—*A.* At a place an arshin high from the ground.

Izzet Effendi.—That evening did not he tell it to anybody? Where did he go?—*A.* I went home; I said nothing to anybody.

Q. Did not he say anything to anybody afterwards?—*A.* Other people said it.

Azmy Bey, Clerk of the Court, said there was a contradiction between Ohannes' present statement and his deposition at the Instruction Department, as he said there was a bracelet, necklace, and bed among the property brought to the Instruction Department.

On Ohannes being questioned on this point, he said he declared he had heard this from another person.

Public Prosecutor.—There is a great contradiction between these statements of Ohannes. He may afterwards explain it by saying he did not know Turkish.

Another witness, Boghos, was brought in. As he did not know Turkish, Manouk, one of the spectators, was taken as interpreter.

President (to the interpreter).—What is your name, place of origin, and your occupation?—*A.* Manouk, 27, from Bitlis, domestic servant.

Public Prosecutor.—It would be better that the interpreter appointed should be a person having an official position. The Clerk, Bagdik Effendi, acted as interpreter in the Instruction. If you approve, let him be sent for.

Simon Effendi Tingher.—Among the members of the Court there is one who knows Armenian; Moussa Bey, too, knows Armenian.

The Court decided that there was no harm in the interpreters not having an official position, as owing to the presence of those who knew that language among the audience, on both sides, and especially in the Court itself, it would be impossible to distort the question and answer.

President (to witness through the interpreter).—What is your name, father's name, age, place of origin, village, and occupation?—*A.* Boghos, son of Vartan, 25, from Moush, village of Ardank, labourer at a mill in Scutari.

On being questioned to that effect, he identified the parties, stated that there was no relationship of any sort and no other connection. Sworn twice on account of the Public Prosecutor making an objection to the witness' manner of pronouncing the word "Vallahy" ("So help me God"). At this stage Moussa Bey came to the edge of the dock and stood behind Simon Effendi.

Witness.—We were watching the village. We walked about, and outside met two or three persons and went near them. "Silence, or we will burn you," said they.

President.—Who were they?—*A.* Moussa, Eumer Bey, Ahmed Bey, Tchallow Mourad Bey, Jezay Bey, and others.

Q. What were they doing?—*A.* Half of them were piercing the wall, and half were standing on the roof watching. Afterwards they went inside, and took away the goods.

Q. Where were you?—*A.* In a hollow.

Public Prosecutor.—He says "we;" who was his companion?—*A.* Ohan.

Q. What Ohan? If it is the previous witness, let him point him out.

Witness did so.

Izzet Effendi.—Let him be precise. What o'clock was it?—*A.* 4 or half-past 4. I have no watch.

President.—What was the weather?—*A.* It was moonlight.

Simon Effendi.—The interpreter is translating wrongly. He says the moon was down.

Public Prosecutor.—The procedure of the Court is being violated. Everybody inter-

venes. If a capable interpreter had been brought this would not have happened. How high was the moon?—*A.* The height of two men.

Izzet.—Can he state what was the month?—*A.* It was in this month.

President.—What was the year?—*A.* Two years and a-half ago.

Public Prosecutor.—In whose room was he?—*A.* In Carabet's.

Q. Did they see anything when they went out?—*A.* We went out on account of the barking of the dogs.

Izzet. Did Ohan go out with him?

Ohan was asked.—*A.* He went one way and I another.

Public Prosecutor.—How many people were sitting in the room?—*A.* We were four persons.

Q. Was Carabet there too?—*A.* He was not.

Q. Why were they sitting there?—*A.* It was warm there.

Q. Were none of the owners there?—*A.* No.

Izzet. My Lord, he said, "after Moussa Bey went away we gave the alarm." Let a question be put on that point.

Question put.—*A.* Yes, after they went we gave the alarm.

President.—How?—*A.* After they went we shouted, and people came out.

Recess of the Court for a quarter of an hour. On the return of the Judges the Public Prosecutor said he must ask Boghos again for various explanations about Moussa Bey, and asked that he should be again placed in the witness-box. The witness was accordingly brought. As it became necessary to appoint an interpreter, on Izzet Bey's proposal the Honourable Gaspard Effendi, lawyer, who was then among the spectators, was appointed and sworn. While translating the questions to Boghos, the witness did not understand, and, on being questioned by Gaspar Effendi, stated that he did not understand the Constantinople dialect of Armenian, which he spoke. Another interpreter was taken from among the spectators, viz., Carmyk, a printer, aged 27, who was duly sworn.

Public Prosecutor.—This man says he was there when Moussa Bey was piercing the wall. There were four persons in the room, and the room was very near. When it was possible for them to have gone back at once and alarmed the others, did he do so, I wonder? Would it not have been more prudent to have done so?—*A.* After they went away we came to the room.

Q. Up to that time where were they?—*A.* We were in the hollow looking on.

Q. What is the distance between Migherditch's room and the place where the hole was found? Was it far?—*A.* It was about 50 paces off.

Q. While the hole was being opened, and until the goods were taken away, were they all there? Why did not they give the alarm to anybody?—*A.* We were in the hollow. We waited until they went, and then we gave the alarm and came back to the room.

Q. He says the distance between the hole and Migherditch's room was only 50 paces. If Moussa Bey said to him there, "I'll burn you," why did they wait in the hollow instead of going back to the room?

As the witness would not give an answer owing to his not understanding the interpreter's dialect, the Court was again obliged to have recourse to another interpreter taken from the audience. Ohannes Effendi, of Moosh, age 22, employed by Karaghos Effendi in his office, was the fourth interpreter chosen, was sworn, and was ordered by the President to translate this question again.

A. (through the Interpreter).—On leaving the hollow we gave the alarm to Migherditch's house, viz., the house that was robbed.

Q. What is the distance between the hole that was opened and the hollow?—*A.* About 50 arshins.

President.—What is the distance between the hollow and Carabet's room?—*A.* The place which was pierced and the place where we gave the alarm are close together.

Public Prosecutor.—Why did they not go to Migherditch's room, as it was nearer?—*A.* We could not go, as we were afraid.

Q. What was the wall, where the hole was, made of?—*A.* Of earth and stone.

On Izzet Bey's demand for the intervention of the Public Prosecutor in consequence of the discrepancies in the evidence of the witness Boghos, whom he maintained to be a false witness, the Public Prosecutor declined to take any action until all the witnesses had been examined.

Case of Extortion.

Hadji Kevork was put in the witness-box. After the case was described to him in detail, he was sworn.

President.—What is your name?—*A.* Hadji Kevork.

Q. What is your father's name?—*A.* Avedis.

Q. What is your age and place of origin?—*A.* 40; I am from Ardank.

Q. What is your occupation?—*A.* I work in a mill at Scutari.

Q. How long is it since you came to Stamboul?—*A.* About ten months.

Q. Now, say truly what you know and saw.—*A.* What I know and saw is that Moussa Bey took 20 liras from Carabet.

Q. Did you see it?—*A.* Yes; I saw it with my own eyes.

Q. Where did he take this money?—*A.* In Carabet's room.

Q. Who came there?—*A.* Moussa Bey, Mourad Bey, and others.

Q. How was it that you were there?—*A.* I was sent for.

Public Prosecutor.—Who sent for you, and what were you told?—*A.* Carabet sent for me. "Come, try and find a remedy," said he.

Q. What remedy; what did they do?—*A.* Moussa Bey asked for money, which they paid.

Q. How much was it, and why did they pay it?—*A.* They paid 20 liras; Moussa Bey had tied Carabet.

President.—Where did they get this money from?—*A.* 10 liras from the village of Vartenis. Carabet's wife and mother went and got them; the remainder they gave themselves.

Q. Had Carabet no more money?—*A.* No.

Q. Why did Moussa Bey ask for this money? Was it due to him?—*A.* No; he took it by force.

Q. What did he do?—*A.* In our country we have thick cord with which men are tied. Moussa Bey said to Carabet and his father, "If you don't give me 20 liras, I'll tie you up," and he tied them. When he received the 20 liras he untied them.

Public Prosecutor.—He says Moussa Bey had bound Carabet. To what place did he tie and where did he tie him?—*A.* He tied him to a pillar from the knee to the middle with rope.

Q. Did he only tie Carabet, or were there others?—*A.* They also tied his father Ohannes.

Q. Whom did they tie first?—*A.* Carabet, because his father was old.

Izzet.—Who gave Moussa Bey the money?—*A.* Carabet counted and gave it with his own hand.

Q. How could a man who was tied get this money?—*A.* His hands and arms were free.

President.—Did Moussa Bey beat him?—*A.* Why should he? He was going to get the money. (Laughter.)

Public Prosecutor.—How many minutes afterwards did Moussa Bey tie up Carabet's father, and how long were they tied up?—*A.* Although he begged him not to do so, it was no use, he tied him up, and they remained so for two or three hours.

Q. Witness says Moussa Bey took 20 liras. The money was got here and there. In villages there are no changers, and everybody has not got gold. Were they all Turkish liras, or were there English as well? Was there any change?—*A.* They were all Turkish. I gave one of them.

Q. Who tied them up? Was it Moussa Bey or his companions?—*A.* Moussa Bey gave the order, the others tied them. On getting the money they untied them and went away.

On Izzet Effendi saying that Moussa Bey had a statement to make, the President inquired what it was.

Moussa Bey, taking a Koran from his pocket and showing it, said, "This is the Koran, please give me the Gospel before the witness."

President.—What are you going to do?

Moussa Bey.—Please give it to me, my Lord. They have said so much, I am going to say something.

Izzet Effendi.—Let it be given, he is not going to do anything improper.

By the President's order one of the ushers gave Moussa Bey the Gospel.

Moussa Bey.—We recognize Jesus as a prophet. Each of these books we consider holy. I swear by both that what they have said is a pack of lies. They are

Armenians and are protected. (Sensation.) I see Dragomans of Embassies present. (Sensation.)

Public Prosecutor (interrupting him).—This is unnecessary and irrelevant. The Gospel was put back in its place.

Moussa Bey (continuing).—I never acted in this way. In our village there is a Council of Elders and a priest who are all against us. I am a man of family and the Chief of a tribe.

Public Prosecutor (again interrupting).—No answer has been given to my question. Who was untied first?—*A.* The father, and then Carabet.

Q. He says some of the liras were obtained from the village of Vartenis. How far is it?—*A.* Five minutes' distance. A quarter of the village, as it were.

Q. Some of the villagers went to Ohannes' house to entreat Moussa Bey. Who were they? He said this in the interrogatory.

President (to the Clerk of the Court).—Read this witness' deposition.

Azmy read it. The *Public Prosecutor* was right.

Witness.—I was not there. Moussa Bey began to tie Carabet. Afterwards the children told his father, Ohannes, of it, and he came to entreat Moussa Bey, but fruitlessly, and was afterwards bound himself.

Public Prosecutor.—When he went to Carabet's room, who was there?—*A.* I saw Carabet tied. I had with me a man named Khalo, and I found several persons in the room.

Q. Did Moussa Bey and his companions come on foot?—*A.* They never go on foot, they were all on horseback.

Q. How many horses were there?—*A.* I did not count them. The men whom I saw were ten. Of these, I knew six, viz., Moussa, Jezay, Umer, Husso, Hassan, and Chalho Mourad Beys, and the rest I did not know.

Q. Did they come in the room?—*A.* Yes. The room is large; about half the size of this Court.

Q. Where were the horses? Where could so many horses stop?—*A.* They were in a meadow which is large, and can hold 200 horses. Ohannes is a man of some importance in our country.

Izzet.—The village where he says they went to get the money is named Vartenis, and is a full hour from Ohannes' village. Ask the Moushlys.

This Hadji Kevork gave his evidence straightforwardly like a man, and in cross-examination was unshakable. He was by far the best of all the witnesses examined.

Minas, son of Malcom, of Ardonk, was the next witness. He did not know his age, was sworn after he had stated he had no relationship or other connection with either of the parties, and after the oath to translate correctly had been again administered to the interpreter Ohannes. The evidence of this witness, who was the village watchman, was exactly similar to that of Hadji Kevork, with the exception that Minas maintained that the money paid to Moussa Bey, amounting to 20 liras, was composed of liras and medjidiehs. He further stated that the distance from Ohannes' village to Vartenis, whence the money was brought, was from two minutes to half-an-hour (the difference between running at full speed and sauntering slowly).

The Public Prosecutor asked why Moussa Bey wanted the money. Was there any partnership between them?—*A.* No.

Q. This witness in the Instruction Department said Moussa Bey and his companions were fifteen. Is this statement, or his present one, correct?—*A.* Moussa Bey and those with him were altogether ten or fifteen persons.

On the conclusion of the examination of this witness, the *President* said to the *Public Prosecutor*: "Shall we go into the other case?"

Public Prosecutor.—The papers might be read, and the two cases united, and if we have time we might hear the witnesses. If not, the case might be postponed till to-morrow.

Koumash Cadin was summoned for to-day.

She was brought into Court and seated.

Koumash, widow of the miller Malkhass, *v.* Moussa Bey:—

President (addressing Moussa Bey).—You are accused of wounding and killing Malkhass. Listen to the document which will be read.

The Mazbata (Report) of the Chamber of Accusation, and the act of accusation (or indictment) were then read by the Clerk of the Court, Azmy Bey. I annex a translation of these two documents.

President (to Moussa Bey).—From the documents which have been read it appears that you killed the miller Malkhass as he came out of his mill.

Public Prosecutor.—Moussa Bey is accused of wilfully murdering Malkhass. I will give some explanation. On the 19th February, 1302, one of Malkhass' relations informs the Government in writing that Malkhass was struck by lightning and died, and there was no rumour to the effect that he died of a gun-shot wound. Two persons, viz., Malkhass' cousin (or uncle), the priest Kapriel, and his nephew, were summoned. They said they saw nothing on the body to attract their attention, and allowed its burial. The son was summoned, and he said his father was wounded in the foot by a bullet which came from an unknown direction, and afterwards died naturally at the end of January, two-and-a-half years ago. Afterwards, when His Imperial Majesty gives orders for Moussa Bey's trial, Koumash comes to Constantinople and presents a Petition. She states that, while her husband Malkhass was coming from the mill, he was wounded in the thigh, but she did not know whether it was the right or left one. Although Moussa Bey was said to be the person who shot her husband, he afterwards had him buried by two priests whom he had menacingly ordered not to mention the affair, which was to be considered an accident. Two other witnesses also make this statement. He is also said to have promised to marry the son. According to the two priests' statements, Malkhass has been wilfully murdered. I demand the hearing of the witnesses.

On the witnesses Gaspard and Temedre being called for by the ushers, Simon Effendi Tinghir rose and declared that the witnesses, being priests, received orders from the Patriarchate not to attend, although they had signed the summonses. A "teskéreh" was written to the Patriarchate demanding them, and the priests, who had come, went away, saying that they could not attend. The Public Prosecutor, this notwithstanding, demanded that the priests should be fined, as the law made no exception in their favour, and according to the law there was no "Amir Mugbir" (one who has the power of enforcing his orders by putting to death or otherwise) in Turkey.

(N.B.—This last assertion was also made at the trials of Midhat, Nouri, and Mahmoud Jelaeddin Pashas for the supposed murder of Sultan Abdul Aziz.)

Simon Effendi rejoined that the priests could not help themselves, as they were under their Patriarch's orders, and he referred briefly to the question of the administration of the oath to priests in Courts of Law, now pending between the Ministry of Justice and the various Patriarchates.

(*Note.*—It should here be stated that whenever priests have had to be sworn, the practice has hitherto invariably been to send them to their respective Patriarchates, where the oath has been administered to them by their hierarchical superiors with much solemnity. This practice is claimed by the Patriarchates as one of their privileges arising from the invalidity, according to the canons of the Oriental Churches, I believe, of an oath administered by a layman to a clergyman, who at his ordination takes an oath to always speak the truth. As a matter of fact, I have never heard of a case of perjury committed by a priest when the oath has been administered under such conditions.)

At this point the Court rose, after rejecting a demand for Moussa Bey's release on bail, and ordering him to be detained at the Ministry of Police instead of allowing him to return to Scutari. The time was 10.45, Turkish time, about 3.30 in the afternoon.

The case was adjourned until Thursday morning.

[*To be continued.*]

(Signed)

J. ALVAREZ.

Constantinople, December 4, 1889.

No. 33.

Sir W. White to the Marquis of Salisbury.—(Received December 25.)

My Lord,

Constantinople, December 5, 1889.

WITH reference to my despatch of the 4th instant, I have the honour to forward herewith a copy of a Memorandum by Mr. Alvarez, giving a Report of the third sitting of the trial of Moussa Bey.

I have, &c.
(Signed) W. A. WHITE.

Inclosure in No. 33.

Memorandum by Mr. Alvarez.

THE third sitting in the trial of Moussa Bey was held on Thursday, the 28th November, at the Criminal Court of Appeal. The Court was constituted as on Tuesday. The Palace Dignitaries, who had previously been present, again made their appearance with the exception of Ahmet Pasha. M. Gargiulo arrived before myself, and after a short interval the Judges proceeded to take their seats on the Bench at about 7·30 Turkish time, a little after 12. There was no abatement in the interest displayed by the spectators, who completely filled the Court-room. Moussa Bey was, as before, in the dock with two policemen behind him; and the plaintiffs, with the lawyers on both sides, were in their proper places. The weather being very warm, the Court windows had to be opened; and as the acoustic properties of the Hall are none of the best, hearing became very difficult.

The President (addressing the Public Prosecutor).—The two priests, whose evidence is necessary concerning the wounding and killing of Malkhass, the miller, by Moussa Bey, are now here. Have you anything to say before we examine them?

Public Prosecutor.—No; let the witnesses be heard.

Izzet Bey.—My Lord, is it not necessary for the record of last sitting to be read?

President.—No; on the last occasion we only had it read for Salih Bey's information, as he replaced Tahsin Effendi.

On the President's order, the priest, Gaspard Effendi, was brought into Court.

Q. What is your name, age, place of origin, and profession?—After objecting that he did not know Turkish, *Gaspard* replied: "41 or 42; from the village of Ardonk, near Moosh; priest."

On the President administering the oath to him, Gaspard Effendi declined to take it, on the ground that, when he was ordained priest, he took an oath to tell the truth, and, as a priest, he could not swear without the leave of the Patriarchate. He asked for an interpreter. The Court proposed to take his evidence unsworn.

Public Prosecutor.—My Lord, he took the oath in the Instruction Department.

Gaspar Effendi.—Yes, I did so.

President.—If so, then you must take it here.

Gaspard Effendi.—I will tell truly what I know.

Izzet Bey.—My Lord, he must take the oath; if he does not, let him refuse to give evidence. This is a criminal matter.

Public Prosecutor.—The law provides a penalty for those who refuse to give evidence on oath. I demand a decision conformable to Article 284 of the Penal Code.

President (to the priest).—You hear what the Public Prosecutor says? He demands that you be fined.—*A*. Allow me, my Lord, to say that for us to take an oath is a sin; but whatever are His Imperial Majesty's orders, I will comply. I will say what I saw.

Emin Effendi.—It is the law that orders it.

President.—Yes; the law is the Sultan's order.

(Witness sworn. For taking the oath he was hissed by some of the audience.)

Witness.—It was 11 o'clock in the evening. I wanted 5 piastres. I saw Moussa Bey.

Q. Where were you?—*A.* To get those 5 piastres I went to the "harman" of Father Temedre. I saw Moussa come with a gun. "Whom is he going to shoot," I said to myself. I looked about me, and saw three persons coming from the direction of the mill.

Q. Where was Moussa Bey?—*A.* Moussa Bey passed us, and entered the hollow in front of the "harman." Then he fired. I looked, and saw one of the three men fall to the ground.

Q. What did you do when you saw this?—*A.* Nothing. I said, "Is he an Armenian or a Mussulman?" Moussa Bey got up and went away. When he passed and saw me, he said, "Silence." I was afraid, and said nothing. The villagers afterwards went to him, saw him, and brought him to the village.

Q. How many went?—*A.* A great many.

Q. Was the wounded man dead?—*A.* No.

Q. Did he say anything?—*A.* No; he could not speak.

Q. When did he die?—*A.* An hour afterwards.

Q. Was that man Malkhass, the miller?—*A.* Yes.

Q. Was he buried, and when?—*A.* Yes; the next day.

Q. Who buried him?—*A.* All of us.

Q. Did the Government hear of his death, and when?—*A.* Yes; two or three days afterwards.

Q. Ha! Was nothing said to Moussa Bey? Were not the villagers asked?—*A.* I don't know.

Q. How many villagers carried the dead man?—*A.* I don't know.

Q. Were none of them known to you?—*A.* I don't know.

Q. Didn't you go to see the wounded man?—*A.* I didn't go; I don't know.

Q. Where did they take him to?—*A.* To his own house.

Q. He was wounded, wasn't he?—*A.* Yes; he had a bullet wound.

Q. Where?—*A.* In the leg.

Q. Which leg?—(Pointing to the right thigh.) *A.* I don't know whether you call it the right or the left (in Turkish).

Q. The right. Was the wound large?—*A.* I don't know.

Q. You know he was wounded, and that the wound was in the leg. How is it that you don't know the wound?—*A.* I don't know. I didn't go and look at it when I went to the house at the funeral. The son was crying, and I was also grieved.

Public Prosecutor.—When was he buried?—*A.* In the morning.

Q. What was the date?—*A.* Two and a-half years or two years and eight months ago.

Q. What was the season?—*A.* Snow-time.

Q. That is to say, winter?—*A.* There was snow.

Public Prosecutor.—At the Instruction Department, in his deposition he said there was no snow.

By the President's order, the deposition was read by Azmy Bey.

The Public Prosecutor's statement confirmed.

Witness.—In my deposition I said there was snow in the fields.

Public Prosecutor.—Was the sky cloudy?—*A.* I don't remember. I said it took place two and a-half years, or more, ago. How can I keep in my memory so many details after such a lapse of time?

Mehmet Ali Effendi.—He left something half-said about Moussa Bey. How was the body buried?

President (to the priest).—Continue. Moussa Bey sent for you and told you to bury the body, didn't he? Why wasn't the Government informed?—*A.* We said, "Let us inform the Government." "There is no need," said he. Two or three days after the Government sent for the murdered man's son, but I don't know what took place. After this affair Moussa Bey married the murdered man's son to a girl of his own village.

Q. In what village did the wedding take place?—*A.* In our village.

Q. Who married them?—*A.* I did, with another priest.

Public Prosecutor.—What was the girl's name?—*A.* I cannot remember it; I can only say what I know.

President.—You ought to have known it.

Public Prosecutor.—He says it was "harman time" (thrashing season), and after-

wards that it was winter?—*A.* In winter and summer the place used to thrash the wheat and barley is called “harman.”

Q. What was the priest, your companion, doing at the “harman”?—*A.* I went to his house. They told me he went to the “harman,” so I went there.

Q. Did you get 5 piastres?—*A.* Not then.

President.—Afterwards?—*A.* After this affair, I don’t know whether I got them; I don’t remember.

Public Prosecutor.—Malkhass and his companion were coming from the direction of the mill. What was the distance between the spot where Moussa Bey was and where Malkhass was wounded?—*A.* I don’t know; I have no watch.

President.—Don’t state in hours.—*A.* About four to ten minutes.

Public Prosecutor.—How many paces?—*A.* I don’t know how many.

President.—Could you see a man?—*A.* Yes.

Public Prosecutor.—Although at first he did not recognize the three persons who came, does he know, or did he afterwards hear, who they were?—*A.* Of the three, one fell down and was carried away by the villagers. I did not think of asking who the others were.

Q. He was at the “harman,” and Moussa Bey came there, but did Moussa Bey come before or after them?—*A.* After.

Q. Moussa Bey went into the hollow. On what side was it?—*A.* There was a hollow below the barn (straw store).

Izzet Effendi.—What was the depth of the hollow, and what was the height of the ground where he was above the hollow?—*A.* The depth of the hollow was about an arshin.

Q. How far was the hollow from the two priests?—Witness gave a description in the Court showing it was about 20 paces.

Public Prosecutor.—Gaspard Effendi says the hollow was behind the straw store, and afterwards, from his own description, it appears that he was in front of the barn.—*A.* We were at the “harman.” We did not go inside the barn. The hollow can be seen from there.

Izzet Effendi.—Let him describe the place.

President.—At what part of the barn were you?—*A.* At the door. We were standing opposite the other barn.

Public Prosecutor.—There are now two barns. What was their position? From the witness’ description, it appears one was opposite the other.

Izzet Effendi.—He says there were two barns. In front of which were they standing?—*A.* In answer to the President’s question, I don’t know whose the other barn was. I was standing before the priest’s barn.

President.—What was his name?—*A.* Temedre.

Q. The man from whom you wanted 5 piastres?—*A.* Yes.

Public Prosecutor (at Izzet Bey’s suggestion).—Let him describe the door.—*A.* We were standing before it. I don’t remember it.

Izzet Effendi.—Let this be taken down. Because it will be seen that there is considerable contradiction between this witness’ statement and the others.

Public Prosecutor.—What was the distance between the place where Malkhass was wounded and the village?—*A.* Four or five minutes.

Izzet Effendi.—Are there any priests in the village besides himself?—*A.* Yes.

President.—How many? What are their names?—*A.* Four. I am one. Temedre is another; and the others are Kapriel and Mathcos, who is old.

Q. Are they there?—*A.* Two of them are. Temedre and I are here.

Izzet Effendi.—When Malkhass was buried who were the priests at the funeral?—*A.* All four of us.

Izzet Effendi.—Just now he said he did not go.

Public Prosecutor.—He didn’t say, “I didn’t go;” he said, “I didn’t get any money for it.”

Mehemet Ali Effendi.—My Lord, let him explain what part of the body the “kaleha” (thigh) is.—*A.* It was this part (pointing to the right thigh).

Izzet Effendi.—Who paid his expenses, &c., to come and give evidence at Constantinople?—*A.* Malkhass’ widow, Kumasch.

Izzet Effendi.—My Lord, this money should have been paid by the Local Government. How is it that Kumasch pays it? We have difficulty in getting witnesses to come even from a short distance. Who told the villagers that Malkhass had been wounded that they should have gone and carried him to his house?—*A.* We didn’t.

President.—Who did?—*A.* They must have seen him and brought him in.

Izzet Effendi.—When Moussa Bey came, was he on horseback or on foot, with companions or alone?—*A.* On foot, alone.

[Disturbance among the audience caused by the absence of standing room. The President threatened to clear the Court if order was not maintained.]

Public Prosecutor.—When was the body buried?—*A.* We buried it in the morning.

Q. Was it very early?—*A.* The sun had risen.

President.—Did you go of your own accord to Moussa Bey?—*A.* No; he sent for me.

Public Prosecutor.—He said he had been sent for by Moussa Bey in order that this affair should not get to the hearing of the authorities. Did he send for him alone, or were other people sent for?—*A.* He sent for me alone.

Q. Was no other person present? Was no other person sent for as he was?—*A.* No. That evening he sent for me. Afterwards the others also came. He had sent for them as well.

Q. Why?—*A.* To tell them, "Don't mention this to the Government. It will be bad for you."

Q. Who were those who came?—*A.* Many persons.

Q. Doesn't he know the names of any of them?—*A.* I don't remember their names.

Q. Who invited them?—*A.* Moussa Bey sent for them.

Q. What did he say to them?—Bury this dead man.

President.—What reply did you make?—*A.* We can't bury him; we must let the Government know.

Q. What afterwards?—*A.* We were afraid, and buried him.

Q. Why were you afraid?—*A.* He said, "I'll do for you."

Public Prosecutor.—Where did Moussa Bey send for these people?—*A.* To Malkhass' own house.

Q. Didn't he send for them to another place?

Izzet Effendi.—Where did they take Malkhass directly from the place where he was?—*A.* To his house.

Q. Where was he put? Did he say anything?—*A.* He could not speak. We put him in his house.

Q. How many rooms in the house were there? Where was the wounded man put? Where were you?

President.—Was he placed in a room or in the court-yard?—*A.* There is only one room in the house.

Public Prosecutor.—Where was he placed?—*A.* On a piece of felt.

Gaspar Effendi then left the witness-box.

President (addressing Moussa Bey).—You have heard the priest describe how the murder took place. What do you say?—*A.* My Lord, I didn't go there for my pleasure; I was a Government official. Why should I, a Mussulman, kill the man, a miller, against whom I had no grudge? I neither saw him, nor did I kill him. The witness says I went into the hollow, that I took aim, and shot Malkhass. Our country is not like this place. There the snow reaches the height of a man. The very least is 3 spans, and more. The time of which they speak is two or three months later. How could I go into the hollow so and take aim?

Q. Where were you that day?—*A.* I was in the village. They say, "Moussa Bey killed Malkhass." It is natural for a man, even here, when he marries his daughter, to ask the Mukhtar or other persons. The girl's father asked me, "Shall I marry my daughter to Malkhass' son, who has asked for her hand?" and I said, "You are an Armenian, and so is he. Why not?" There are 100 men in the village. How is it possible for one man to wound and kill another, and then sleep alone in that village? But all these people have a spite and enmity against me. They see me here; they say they wish to see me in prison. The Government prison is better than my house. Whatever they say, I know nothing about it. There is a priest, Malkhass' brother on the mother's side. If he were to get into my clutches I would treat him worse. I would take out his eyes. (Sensation.)

Public Prosecutor.—He admits he was there that day. Was he a Mudir?—*A.* No.

Q. Even if he had no official situation, as he was a man of family in those parts, didn't he hear that a man had been shot?—*A.* No; they didn't tell me. I know nothing about the funeral.

Q. Just now he said he knew something about the affair?—A. It was not about this.

Q. In that case, how does he know about it? Usseb said, "My father, though wounded by a bullet which came from an unknown direction, did not die on that account, but of hemorrhoids fourteen days afterwards. Moussa Bey came and looked at him."

President.—I have seen that record also. There are several Petitions of Usseb's.

Public Prosecutor.—In order to clear up the matter, let them be read. The fact that Moussa Bey was there on the day of the event is proved by Usseb's deposition. Let Moussa Bey state positively if he was there or not, and why he was there.

Moussa Bey.—The village is near. I used always to go and come, shooting. But I have no knowledge at all of the commission of such a crime. Three months afterwards in the village they said, "Moussa Bey did this."

Public Prosecutor.—When did Moussa Bey marry Usseb; because he admits he married him?—A. Three years ago. In the third month, after the commencement of the snow.

President (to Public Prosecutor).—That will be in January or February.

Moussa Bey.—I have a statement to make.

Q. Say on.—A. Justice is equal for all. These three or four persons are plaintiffs, and I am a prisoner; they are free. They have drawn up a Mazbata against me, and those at Musch are also against me. All the priests, Boghos, &c, are my personal enemies. Bring their Mazbatas, and see if their signatures are not there. Are they plaintiffs or not? Now half of them are witnesses, half are plaintiffs. I cannot accept their evidence, but I will submit to the opinion of the Court, and am ready to sacrifice my life for the empire.

Public Prosecutor.—Now, let the other witness be heard.

The priest, Temedre Effendi, was put in the witness-box. He began to speak in Armenian, and asked for an interpreter, as he could not speak Turkish.

Public Prosecutor.—How was it that he gave his deposition directly at the Instruction Department without an interpreter?

Artin Effendi Mosditchian, one of the Judges, interpreted this to him, and also his reply that he had made use of signs.

[At this point there was a great disturbance among the audience, and a loud cry from the body of the Court.]

President.—If this interruption continues, and if silence cannot be restored, I will clear the Court at once.

The Clerk of the Court was referred to in order to find out whether an interpreter was appointed in the Instruction Department, or if, as he said, he gave evidence by signs. It was stated that he had replied directly in person without an interpreter.

President.—What is your name, father's name, age, profession, and place of origin?—A. Temedre, son of Anton, 30 or 35, priest, of Ardonk. When he was about to be sworn, he, like the other priest, Gaspar, said, "I cannot take the oath" (to the policeman who pushed his arm towards the Gospel, "Leave me alone"); I am a priest. When I was ordained I took an oath to tell the truth; this must be enough. In the Gospel it is said it is a sin to swear. I will take care to tell the truth.

Public Prosecutor.—Didn't you take the oath in the Instruction Department?—A. Yes.

Q. If it is a sin to take an oath, why did you do so then?—A. I took it, but the Patriarch reprimanded me for doing so.

Q. The other priest took the oath. Gaspar Effendi brought forward admitted he had done so.

President (to witness).—You must take the oath.—A. I cannot do so without the Patriarch's orders.

Public Prosecutor.—I demand the imposition of a fine according to Article 284 of the Penal Code?—A. If it is the order of His Imperial Majesty the Sultan I will comply.

Judge Emin Effendi.—It is the law that orders it.

President.—Yes; the law is His Majesty's order.

Witness then took the oath amidst the hisses of some of the audience.

President.—Tell us what you know about this case?—A. I saw Moussa Bey shoot and kill Malkhass.

Q. Where were you? Were you alone? What was the season?—A. It was winter; I was at the "harman." As I was going to take straw out of the barn the

priest, Gaspar Effendi, called after me. I stopped, said I was busy, and he came up. We were talking. Just then Moussa Bey passed us and entered the hollow. "Whom is he going to shoot?" said we.

Q. How did you know he was going to shoot somebody?—*A.* There was no game. He fired his gun in the direction of the mill. From that direction three persons were seen coming. One of them fell and rolled on the ground. We said, "Look; is it a Mussulman or an Armenian?"

Q. Did Moussa Bey say anything to you?—*A.* He said, "Silence!" We held our tongues. Afterwards Malkhass was brought in wounded, and died an hour after.

Q. How did you know it was Malkhass?—*A.* He wore "aba" (coarse cloth), from which I knew him.

Q. Where was he shot?—*A.* In the right thigh. Next day Moussa Bey sent for us.

Q. Where?—*A.* In Malkhass' house. He said, "Bury the dead man, and don't you inform the authorities, or I'll treat you in the same way." From fear we said nothing, and buried the body. Moussa Bey then got on his horse and went away. He afterwards sent for Usseb, the son of the murdered Malkhass, and told him he would be like a father to him and take care of him, if he would make no complaint to the authorities. He promised not to complain. Moussa afterwards married Usseb. There was a wedding. Afterwards the authorities sent for Moussa Bey and Usseb. They both went to Moosh, but I don't know what happened.

Public Prosecutor.—Was there much snow?—*A.* There was, but not much in the hollow, which was trodden.

Q. What thickness was it?—*A.* I don't know; I didn't measure it.

Q. Who came from that village?—*A.* How do I know? The villagers. I did not go.

Q. How many houses are there in the village?—*A.* Forty.

Q. Where did Moussa stop?—*A.* At the house of Mardiros.

Q. Where did he sleep; in a bed?—*A.* On the floor. There are no beds in our country.

Q. Did you see Malkhass' wound?—*A.* Yes; the bullet passed through the upper part of the thigh.

Q. Did Gaspar Effendi see it?—*A.* I don't know. Gaspar was in Malkhass' house, but I don't know if he came before or after me.

Q. Was it in the right or left thigh?—(Witness pointing to it.) *A.* It was on this. Do you call it the right?

Q. Yes. Did you go to Mardiros' house or Malkhass' house alone, or with Gaspar Effendi?—*A.* I don't know. I have forgotten. I was there with him.

The Public Prosecutor called the attention of the Court to certain contradictions, among other things, saying, "He was twice interrogated, and then persisted in saying he went with Gaspar Effendi."

Izzet Bey.—When and how did the villagers know that Malkhass was wounded, that they went and brought him in?—*A.* They were on their roofs.

Q.—How in the middle of winter they were on their roofs?—*A.* Our roofs are not like those here. They are made of earth. We sweep the snow off them. "Dam" (roof) with us means house.

Izzet Effendi called the attention of the Court to certain contradictions.

After describing the place where he and Gaspar Effendi were, he said they were 200 paces off the spot where Malkhass was wounded.

Public Prosecutor.—What was the distance between the hollow where Moussa Bey was and the spot where Malkhass was wounded?—*A.* From 150 to 200 paces.

Q. How could you recognize Malkhass at this distance?—*A.* There was a mist. If there had been none I should have recognized him. I could only distinguish his clothes.

Moussa Bey.—Is it possible to take aim in a mist?

Public Prosecutor.—What time was it?—*A.* 11 o'clock (Turkish time) in the evening.

Q. When did Moussa Bey arrive on the spot? Before or after Gaspar?—*A.* After Gaspar. He passed near us.

Q. Did you then give Gaspar the 5 piastres he asked for?—*A.* Not then; I gave it to him afterwards when we went home.

President.—What negligence! There is a man shot, and you go quietly home! In your eyes, he wasn't worth even a bird?—*A.* The man was shot. Had we anything in our hands? What could we do?

Public Prosecutor.—Whose daughter was the girl whom Moussa Bey married to Usseb, the son of Malkhass?—*A.* I don't know. Let him say.

Q. Were you not present at the marriage?—*A.* Yes; we were in church.

President.—Don't you know the girl's name?—*A.* No; I did not ask.

Public Prosecutor.—When Moussa Bey came near you, did he make any sign of salutation?—*A.* No.

Q. How far from you was he when he passed you?—*A.* Five paces.

Q. Five paces is very near. If a man passes so near, he certainly makes some sign or says something?—*A.* No, Sir; he said nothing.

Recess of the Court from 8:40 to 9:30 Turkish time (from 1:40 to 2:30).

On the return of the Judges, the *Public Prosecutor* asked the witness whether the barn-door looked on the mill or not?

Witness.—The road goes to the mill, which can be seen if you stand in the doorway.

Q. Were they standing in the doorway?—*A.* When Moussa Bey turned into the hollow, we saw him. There is a wall 2 feet high near the door. We could see the hollow from the "harman." We went four or five paces off him. Moussa Bey took aim and fired. We said, "Is it a Mussulman or an Armenian?" "Silence!" said he.

The *Public Prosecutor* asserted there were contradictions between their present and their previous statements to the Court.

President.—Why did you go after Moussa Bey? Had you any suspicion?—*A.* No; we wondered what he was going to do, as there was no game there.

Public Prosecutor.—How many times were you sent for to Mardiros' house?—*A.* Twice; once when going to the funeral, and once when coming back with Usseb and some villagers.

Q. Was Gaspar Effendi with you?—*A.* I don't know; there was a crowd.

Q. Did he go on the first occasion?—*A.* I don't remember. There was a crowd.

Q. Were you specially sent for by Moussa Bey?—*A.* A servant from the village came and said, "Moussa wants you."

Q. What was his name?—*A.* I don't know.

Public Prosecutor.—There is nothing more to ask.

Moussa Bey then said.—When this man came here he said he did not know Turkish, and afterwards he gave evidence in that language. He said he would not take the oath, and then he placed his hand on the Gospel and wished to cheat the prophet Jesus. What he has said is a lie. Is the evidence of such a man acceptable not only here, but in England? Let the Mazbatas they presented against me at Bitlis be brought, and, if his seal is not there, I'll accept his evidence. The deceased died four years ago naturally. This they don't say. If a man's father dies in this manner, does he celebrate a wedding with drums on one side and clarionets on the other? I never shot Malkhass, and was not molested by the authorities.

President (to witness).—Are you related to Malkhass?—*A.* No.

Public Prosecutor.—Was the priest Kapriel?—*A.* Yes, his cousin. That day he cried over the corpse.

Moussa Bey.—He is his brother on the mother's side.

The priest, Temedre, then left the witness-box.

President (to Public Prosecutor).—There are several depositions of Usseb's.

Public Prosecutor.—Let them be read.

The denunciation of the crime by the priest Gabriel and Usseb, son of Malkhass, dated the 19th February, 1802, and addressed to the Assistant Public Prosecutor at Moosh, is as follows:—

My cousin, the miller Malkhass, of the village of Ardonk, aged 60, was a fortnight ago wounded at night in the right leg, &c.

President (to Azmy Bey, Clerk of the Court).—Read Usseb's Petition addressed to the same official, and dated the 17th March, 1804: "My father, Malkhass, died naturally last year, but it was said he had been murdered by Moussa, and on information given to the authorities by his enemies I was summoned and examined. My father did not die from a wound, and Moussa Bey had no hand in or knowledge of his death, and I declare that I have no claim whatsoever. A year has now elapsed, and the inhabitants of several of our villages in our neighbourhood who are hostile to Moussa Bey accuse him of having murdered my father in order to revenge themselves. I request that no attention be paid to what these persons say against Moussa Bey.

At Usseb's first interrogatory, he stated that his father died from hemorrhoids at the age of 60, after a fortnight's illness. When he came to Moosh he presented a Petition, as some Armenians told him "Moussa Bey killed your father; prosecute

him;" but, notwithstanding the instigations of Musso and Agop, as there was no trace of a wound on his father, he could not do so, as he feared God, and he repeated that those who made the accusation were not afraid of God. "Why should I slander Moussa Bey? Neither I nor my mother will do so."

At the second deposition he said he did not know whether his father died naturally or was murdered, but there were traces of a bullet on the right leg, and he heard from his father's own mouth that he was wounded on the road while coming from the mill, but could not say who wounded him, nor did he (the son) ask, but Moussa Bey saw this crime, and the son sent a man to him to search for the criminal. He did not see Suleiman Bey and the Kurds of Marinick. He had no suspicion against anybody.

President.—Usseb says, "I saw a wound, and Moussa Bey saw it, too." He says he sent a man to you to search for the criminal.

Moussa Bey.—I know nothing about it. I saw nobody.

Simon Tinghir Effendi then got up, and proposed that the Court should question the widow Koumash. She stood beside Simon Effendi, taking the place of Carabet, who passed behind. Ohannis Effendi, who had acted as interpreter at the previous sitting, was again employed.

Koumash said she did not know her age, but it was about 30; that she was from Ardonk, and the widow of Malkhass.

President.—Tell us what you know.—*A.* My husband left the house in the morning safe and sound, and was brought back wounded.

Q. Who brought him back?—*A.* They were Armenians who brought him on their backs, but I did not notice who they were; I was too much pained.

Public Prosecutor.—Who wounded him?—*A.* I don't know; he was dying, and could not speak,

Q. When did he die?—*A.* In the evening.

President.—Who had him buried?—*A.* Moussa Bey did.

Q. Didn't you tell the women, your neighbours, that your husband was dying?

Izzet Effendi at this point rose and said vehemently, "I notice the plaintiff Carabet and the priests whispering to this woman. I protest against this."

Koumash was brought forward before the President and the Public Prosecutor.

President.—So you didn't tell anybody of it. Why?—*A.* I was afraid.

Q. Why? Did Moussa Bey say anything to you?—*A.* He said, "If you say anything about it to anybody, I'll kill you and your son, too."

Q. Were you alone in the house the night Malkhass died?—*A.* I was with my son.

Q. Even though it was night, didn't you tell the neighbours when he died?—

A. What could they do? I have come here. Who helps me?

Q. When did the funeral take place?—*A.* In the morning.

Q. Who buried him?—*A.* Moussa Bey and the priests.

Q. Where was Moussa Bey?—*A.* In the village.

Q. You didn't tell him. How did Moussa Bey know of it?—*A.* He killed him himself; that was how he knew of it.

Q. How?—*A.* He stood over him.

Q. Where did the crime take place?—*A.* On the road.

Q. When?—*A.* When he was coming home from the mill.

Q. At night?—*A.* At about 12 o'clock in the evening.

Q. Moussa Bey does not know about it. Where was he that night?—*A.* In the village.

Q. Are you sure?—*A.* He stopped at Mardiros' house.

Public Prosecutor.—Did Moussa Bey come to Malkhass' house that night?—*A.* He was at the door. I saw him with my own eyes.

Q. In the Instruction Department she said she did not see him there, but at Moosh.—*A.* I was not in my senses. I have been ill.

Q. Did Moussa Bey send nobody else besides the priests to bury the dead man?—*A.* He only sent the priests.

President.—At what o'clock did Malkhass leave the house?—I don't know the hour. In the morning he went to take flour to the mill. They brought him back at 11 o'clock in the evening.

Public Prosecutor.—Let her explain another statement she made at the Instruction Department. At Musch, Moussa Bey promised to marry her son and look after her.—*A.* I didn't go to Moosh; my son did.

Q. Did you make no deposition anywhere?—A. No; I don't know what I said; I was ill.

Q. Had Moussa Bey any grudge against your husband?—A. None at all.

Koumash, who was very pale and looked unwell, then retired.

Carabet, the other plaintiff, was then questioned by the Court. He said:—"Moussa Bey bound my father and myself, took our 20 liras, and released us. He burnt our hayrick and store, pierced the wall of the house, and stole our property. We paid exactly 20 Turkish liras. He says he was Mudir then." To Moussa Bey: "When were you Mudir?"

On account of the lateness of the hour (10:10 Turkish time, about 3:10 P.M.), the Court adjourned till Saturday.

[To be continued.]

(Signed) J. ALVAREZ.

Constantinople, December 5, 1889.

No. 34.

Sir W. White to the Marquis of Salisbury.—(Received December 25.)

My Lord,

Constantinople, December 6, 1889.

WITH reference to my preceding despatch of yesterday's date, I have the honour to transmit a copy of a Memorandum by Mr. Alvarez, giving a full Report of the conclusion of the trial of Moussa Bey.

I have, &c.

(Signed) W. A. WHITE.

Inclosure in No. 34.

Memorandum by Mr. Alvarez.

THE Criminal Court of Appeal held its fourth sitting in the trial of Moussa Bey on Saturday, the 30th November, 1889. As on the previous occasions, a large crowd had assembled before the Court doors were thrown open, and the Court-room soon filled. I was informed that the local press, both Turkish and foreign, was as before largely represented. Moussa Bey was brought into Court at about 7:30 Turkish time (a little after 12), and the prosecutors, Carabet and Koumash, came in immediately afterwards. All the witnesses who had hitherto appeared were also present. The Court entered at 7:40 Turkish time, and was constituted as before. Tewfik Pasha and Ahmet Bey were again present, as well as M. Gargiulo and myself. The President called upon the Public Prosecutor to make his speech, as the witnesses had been heard, and the prosecutor had spoken. The following is a rendering of the greater part of his speech:—

"My Lord, Public Prosecutors are, as you are aware, charged with the defence of the law, and the rights of the public, and justice is the outcome of the assurance of the right course of law. It is probable that those who are not acquainted with the niceties of law, and those who are incapable of appreciating the important duties intrusted by law to the Public Prosecutor, consider that his duty consists in speaking against the suspected and accused person who is brought before the Court in all cases. Public Prosecutors' duties are not so limited; they are not to be compared to private prosecutors. For example, a prosecutor can bring an action whenever he considers himself injured, and, right or wrong, he carries on that action. If he is right and is successful in obtaining his rights he rejoices, and if he is wrong and the result does not fall in with the object of his interest he feels aggrieved. But no one else can have these feelings of joy and grief. Public Prosecutors' action is exactly the opposite and converse of this. The result obtained affects the public on whose behalf they appear. They have, on the denunciation or complaint of actions which are forbidden by law, either to bring an action in chief, or to see that the inquiries, investigations, and formalities are carried on and executed within the pale of law, or to pay attention to the proofs, to examine the correctness or incorrectness of the action, as well as the truth or falseness of proofs, to put forward a demand before the

Judges, and to conform their opinions to the results of the examination of the case. As they are charged with the search of crimes, they will bring an action against those who commit a crime in the course of their inquiry, should they perceive it. They are under no obligation, conscientious or legal, to throw an uncertain light on the suit they have begun. Their duties are defined by law. But it is evident that there is nothing to limit their line of action in bringing out the truth. Public Prosecutors prosecute those who are accused of what is called crime in common with the private prosecutor. But if they see the falseness of the case, they make their demand accordingly. Public Prosecutors cannot be right in every action they bring, as, being charged with the search for crimes, they are consequently bound to prosecute whenever they are informed of an act constituting a crime. As the suit is not a personal one, they cannot, at first, be aware of its importance. They are enlightened by the investigation, and they, in their turn, enlighten the Judges with their opinions. It is impossible that they should be bound to throw light upon every action they take up from the point at which they commenced, and then to endeavour to conceal its falsity when they know it to be false, as in that case the protection of public interests is impossible. The right of a suspected or of an accused person is included in the interest of the public. So much so, that the law allows Public Prosecutors to petition for the annulment of the Judgment on accused who will be condemned, but does not allow them to demand the annulment of a sentence of acquittal when the accused has shown his innocence. If a prisoner has committed the crime of which he is accused, he receives a fitting penalty, and others are deterred and the public profits thereby. But supposing an innocent man is accused, if the proofs on which his indictment is based are not thoroughly examined and he is condemned unjustly, its effect on the public interest is greater. On this account the defence of the rights of suspected and accused persons is most necessary for Public Prosecutors, and consequently it cannot be maintained that the Public Prosecutor should limit his action to one point as the private prosecutor does. In short, the Public Prosecutor's duty is very important, and it is extremely necessary that he should endeavour to seek out the truth. Consequently, we have paid particular attention to the inquiries necessary for the explanation of the contradictions among the witnesses' depositions in the Instruction Department, in order to perform at this trial the sacred duty of serving justice. While doing so, many other contradictions have been come across which I intend to submit to your attention one by one, and this imposes upon me the duty of demanding that the Court should act accordingly to Article 281 of the Law on Criminal Procedure.

"I shall first point out one after another the contradictions in the evidence given in the Instruction Department and before your honourable Court by Boghos Bedian and Agop, son of Parma, witnesses in the case of arson. In the Instruction Department, while Boghos said he saw the fire take place in Migherditch's 'harman' at 5 o'clock in the evening of Thursday, July 24, three years ago; that he went and saw only Moussa Bey with a light in his hand firing Migherditch's haystacks; that he shouted out, 'Moussa Bey is firing Migherditch's store, hay, and rick;' and that the villagers came while Moussa Bey fired in the air several times and ran away. Agop says one night three years ago, about 3.30 or 4 o'clock, he saw smoke, looked, and saw Moussa and Umer Beys with lights in their hands setting fire to Migherditch's father's hay. He called out 'Fire,' &c. Thus, both witnesses describe the time and circumstances of the fire in a contradictory manner. Boghos said he alone saw this fire, and Agop said he saw it with his own eyes. Boghos said Moussa, Umer, and Jezay Beys were on horseback, and the others were on foot. Agop said that Chalho Mourad was on horseback, but said nothing about Jezay Bey's being on horseback. In their evidence before your honourable Court, Boghos said that Moussa, Umer, and Jezay Beys and Mourad were on horseback, that Moussa's horse was white and the others red (bay or chestnut), while Agop said that Moussa's and Chalho Mourad Beys' horses were red. Boghos hereupon said, in opposition to his deposition in the Instruction Department, that he had said that Mourad was on horseback, and Agop said that Umer Bey's horse, which in the Instruction Department he had said was white, was red, and Mourad's, which he then called bay, was red. Thus, both made conflicting statements. Boghos said that the light in Moussa Bey's hand was a large torch smeared with naphtha, while Agop said Moussa and Umer Beys had common lighted matches in their hands. Boghos said that the clothes of Ohannes' son Kenias and his servant Ohannes, who were taken out of the burning store, were completely burnt. Agop said that their clothes were not burnt. Boghos said that at first he did not see Agop when he went to the fire, while Agop said he saw Boghos and Boghos saw him, and they talked and shouted together.

"Both in the Instruction Department and before your honourable Court, Agop said Boghos went to the place of the fire before him. Boghos says that when he went he shouted out, 'Moussa Bey is firing Migherditch's store, hay, and harman.' Agop before the Court says that he and Boghos only shouted out 'Fire.' These statements are conflicting and contradictory to their depositions in the Instruction. While Boghos said that after the villagers came Moussa Bey fired into the air four or five times and went, Agop says there were two shots, and they were fired from afar. While Agop said both in the Instruction and in Court there were seventy or eighty ricks in the village, all of which were in a row, Boghos said there were seven or eight ricks in a row—(the Public Prosecutor here entered into lengthy details about the number, position, owners, &c., of the ricks). While, according to Agop's statement, the arson took place in July, and Kenias and the servant Ohannes should have been sleeping on the ricks, they went into the store and fastened the door from the inside; from local information, it is proved that the fire took place on the night of the 16th July, 1303, that is to say, two years ago, whereas they say three years. Migherditch says that for three years past he has been at Stamboul, and has not been to his country, yet he says he was then at Bitlis. While Ohannes admits that on his previous application to the authorities at Moosh he maintained but could not prove his claim, that on Moussa Bey's instigation, or that of his relative, Suleiman Bey, his barn was set on fire; Agop declared, four or five days after the fire, and Boghos that night, that they saw Moussa Bey set the fire, and told Ohannes so. These are irreconcilable statements.

[Note.—I fear the Public Prosecutor occasionally distorts the evidence, and he certainly takes no account of Agop's deafness.]

"Coming to the evidence of Boghos, son of Vartan, and Ohannes, son of Moukhtar, about the burglary, Ohannes said, in the Instruction Department, that two and a-half years ago, one night in autumn, about 4.30, Moussa Bey and his companions broke through the wall of Migherditch's house, went inside, and took away a bed, linen, and other property, and that those who broke through the wall were Moussa, Umer, and Challo Mourad Beys. Afterwards, in contradiction to this statement, he said that Moussa Bey was standing at the window; and whereas he first said that this took place in the autumn, he afterwards said that he did not know whether it was before or after autumn; also that the wall was broken through with staves (bars) in ten minutes or a quarter of an hour; afterwards that the wall was of stone, and an arshin thick, and that he was at a distance of 200 paces from Migherditch's house; that first he met many people, who said to him, 'Be off, or we'll burn you,' upon which he returned to his house; that Umer first passed through the hole, and then Mourad, and that when they came out with the property they came in the same order. These statements require examination, as it is impossible for a stone wall, an arshin thick, to be broken through with staves (bars) in ten or fifteen minutes, or for a person to see who went in or who came out, &c., at a distance of 200 paces. Boghos, after saying that Umer Bey was piercing the roof, and some of his companions went inside, said that they made a hole at the corner of the roof about the height of a man, through which they brought the goods, and, on being asked how the goods were taken out through a hole as high as a man, he said it was not as high as a man, but as high as the neck.

[Note.—There is a certain similarity of sound between 'boy' (height) and 'boyn' or 'boyun' (neck). And as the hole was large, the goods could be removed.]

"Ohannes further said that all, except Moussa, carried off the goods, while Boghos said that all went away loaded; while Ohannes said that he alone saw the robbers; that on their saying, 'We will burn you,' he went away to his house, and did not give the alarm to anybody. Boghos says that he left Migherditch's room with Ohannes, and saw the robbery, of which they told the women in Migherditch's house; and, in another deposition, he says he was in such a fright at Moussa Bey's telling him, 'Don't say anything, or I'll burn you,' that he withdrew into a corner. On inquiries being made in the Instruction Department to clear up these numerous discrepancies, it was stated that only the points of these staves were of iron; that, although the wall was made with stone, there was no mortar, but clay. But the other contradictions could not be cleared up, and a number of fresh contradictions have appeared before your honourable Court. Ohannes, notwithstanding his previous statement in the Instruction, has positively stated to the Court that there was no bed among the articles stolen, and, on being questioned about them, he said they were women's clothes, a bracelet, and other such things. When he was asked how he saw the bracelet, he first said he saw it in Moussa Bey's hand, and when asked how he could see a bracelet

at a distance of 200 paces, he said that was what he had heard in the morning from the people of the house; that he left his house, and while walking about alone, on approaching Migherditch's house he saw Moussa Bey on the roof, and, on his saying, 'Don't come here, or I'll beat you,' he retreated into a corner, and waited for about an hour. This is in contradiction to his deposition in the Interrogatory. In his first deposition he said that when he saw the burglars the hole was nearly open, whereas, in his subsequent one, he said that they were just beginning to open it. When asked how Umer Bey and Mourad together broke through the wall when Moussa Bey was standing off the window, he said that Moussa Bey was breaking in from above, while Umer Bey and Mourad were doing the same from below. On being asked whether the hole was opened in the wall or in the roof, and what was the height of the wall, he replied that the hole was opened in the wall of the room at a place an arshin high from the ground, and the height of the wall was the height of three men from the ground.

[There has probably been some confusion in the mind of the Judge of Instruction or of the witness. Is the word "adem" (man) or "adum" (pace or step) intended? Both may be written the same way.]

He was then asked how could Moussa Bey on the roof and Umer Bey at the place where the hole was open it together? but he asserted that Moussa Bey was over the window.

Finally, the contradictions in the Instruction Department were increased in Court, the other witness, Boghos, persisting that Ohannes was not with him that night, and that he did not go to Migherditch's room. Boghos, too, stated, in presence of Ohannes, that he left Migherditch's room with Ohannes, and upon Moussa Bey saying "I'll burn you," he entered the hollow about fifty paces distant, and looked on at what Moussa Bey and his accomplices were doing; Ohannes persisting in contradicting him. While Boghos said in the Instruction Department that the hole was opened in a corner of the roof, and that it was as high as a man's neck, in Court he said that the hole was opened in the wall, and it was as high as a man. Asked the reason of this discrepancy, he replied that this was what he said at the Instruction Department. On this point, too, he was in contradiction with Ohannes. While Ohannes said there were six loads taken away, Boghos said there were two. Ohannes said there was moonlight at the time of the burglary; Boghos said that, although it was moonlight, that night at the time of the burglary the moon had not risen.

Coming to the evidence of Hajji Kevork and Minass in the case of extortion and violence, in the Instruction Department Hajji Kevork said that, one evening in winter, about twenty-two months ago, at 11 o'clock, Moussa Bey, with four persons whose names he gave, and five others whom he did not know, stopped as a guest in Migherditch's room, tied Ohannes, Migherditch's father, and Carabet, Migherditch's elder brother, and took 20 liras off them by force. Until the money was got together he said they remained tied up for four or five hours. Minass says that, a year and a-half ago in winter, on the Saturday before Christmas (a fast day), Moussa Bey, with three persons whose names he gave, and fifteen other persons whom he did not know, came down upon Migherditch's house, bound Ohannes and Carabet to a pillar, and, on getting 20 liras into his hands, loosed their bonds after they had remained bound for two or three hours. There are discrepancies as regards the date of the event, the time Carabet and Ohannes remained tied, and as regards the number of Moussa Bey's companions.

Notwithstanding Minass said that none of the villagers went near them from fear, he said he looked after the horses outside, while in another deposition he says the villagers came near Moussa Bey to supplicate him, and that he himself went with them and saw him. These are contradictions. In Court, not only could these contradictions not be reconciled, but Hajji Kevork said that Moussa Bey came with ten horsemen, while Carabet said that Challo Mourad, Umer Bey, and several other persons came with him, in all five or six, another discrepancy, while Minass contradicted his evidence in the Instruction Department. Hajji Kevork stated that the money was paid in Turkish liras, twenty in all; Minass says there were liras and medjidichs. While Hajji Kevork says he was present when Carabet and Ohannes were tied up, Minass says nobody else besides himself was then present, and Hajji Kevork came when the money was given, and that he saw Carabet and Ohannes while bound, but did not see them when they were being bound. These witnesses said that Carabet and Ohannes were fastened to different pillars. Carabet, in the Petition presented to your honourable Court as plaintiff, states that he and his father were tied to one pillar. Hajji Kevork says that Carabet was first untied and then his

father. Minass says the contrary. While Minass said in the Instruction Department that the crime took place by day at 11 o'clock, Turkish time, in the Court he said that it took place when it was time to go to bed, and Hajji Kevork, who had been first examined, subsequently confirmed the statement.

[*Note*.—The Public Prosecutor, in his eagerness to obtain the acquittal of his client, Moussa Bey, forgets that Carabet is not a witness but a plaintiff, and does not scruple, at all events as regards the evidence given in Court about the extortion and violence, the most damaging against Moussa, to misrepresent the statements of witnesses and create imaginary inconsistencies.]

Coming to the evidence of the priest Gaspard and Temedre Effendis concerning the murder of Malkhass, in the Instruction Department Gaspard said that about two and a-half years ago in the winter, about 10 o'clock in the evening, he went to Temedre's "harman" for 5 piastres; that Moussa Bey then went and sat down alone in a hollow 20 or 25 paces opposite them, and fired at one of three men (Malkhass), who was coming from the mill from a distance of four or five minutes, while Temedre said that at about 11 o'clock in the evening of a Sunday in February, two years and eight months ago, he was talking with Gaspard, who wanted 5 piastres from him, when Moussa Bey passed them and went into a hollow 5 [?] paces from them, &c. That Malkhass was wounded at a distance of 150 or 200 paces, and there was a mist. These are statements contradictory as to time, place, and distance. Gaspard says that Moussa Bey sent for him to Malkhass' house, and menacingly ordered him to bury the dead man without informing the authorities of the crime. Temedre says that Moussa Bey sent for him to Mardiros' house, where he was stopping, twice and gave him orders. Here is another discrepancy. The Public Prosecutor then proceeded to examine at great length and with much detail the alleged inconsistencies, discrepancies, and contradictions existing between the evidence of the priest before the Court. After generally abusing the witnesses, and especially the priests, he declared that if they were not treated as false witnesses according to Article 281 of the Law on Criminal Procedure, he should, as Public Prosecutor, demand the application of the law regarding such persons. His speech lasted nearly an hour. The Court then withdrew, and returned after a recess of about ten minutes.

President (to Public Prosecutor).—Have you anything more to say?

Public Prosecutor.—No. I have now only to demand that these witnesses should be punished as false witnesses.

The President then deliberated with the members in a low voice.

Public Prosecutor.—The law has given this right chiefly to your high office; I see no necessity for deliberation.

Simon Tinghir Effendi, rising :—

"My Lord, for a witness to be called a false witness, the accused must be acquitted. To give a decision of this sort beforehand implies the confirmation of the accused's innocence without giving a decision for his acquittal. This, naturally, is illegal."

Public Prosecutor.—I am waiting for the issue of the decision I just now demanded.

President.—The Court will deliberate on that demand of yours afterwards. If you have anything to say on the main question, please say it.

The Public Prosecutor then rose and said :—

"The duty of acquitting Moussa Bey or not belongs to your honourable Court. I am obliged to conform my line of action to the decision that will now be given. If Moussa Bey is declared guilty, I shall then naturally demand a penalty according to law."

President (to Simon Tinghir Effendi).—Have you anything to say?

Simon Tinghir Effendi then addressed the Court :—

After the flatteries of the Sovereign and of the Administration of Justice, which are unfortunately customary in this country, and reference to the trial, which he justly described as unprecedented, he said he would confine himself strictly to the points of private prosecutorship and the denunciation of these crimes, and would not have anything to do with the action of the Public Prosecutor. "There is no use of thinking," said he, "that I should proceed to demand damages and an indemnity after the guilt of the accused has been proved. As it is possible that Moussa Bey, who is to-day before you a prisoner, may be declared guilty, at the close of the trial a decision that he has proved his innocence may be given, and as, anyhow, this suit has ceased to be an ordinary criminal action, considering the shape it has been beaten into, the

results of that judgment of acquittal may be very serious for the private prosecutor and denouncer, and for the witnesses who have just now given evidence. And the responsibility under which they will fall may be extended in a manner different to what they expect. As everybody will admit, the words I have uttered on this point are not suppositions, but points of which I feel certain. I desire to make some statements in introduction to the claim of prosecutors' rights, and, in defence of the persons whose attorney I am, to establish their right to prosecute.

"It is impossible not to confess that two points have been come across which call for attention during the hearing of the case which has been examined. The first of these is the contradiction between the inquiries at Moosh, the preliminary inquiries, and the interrogatories which have taken place at Constantinople and the discrepancy in the evidence given before the Court. Undoubtedly, these points are to be cleared up in the following way: The Report of the preliminary inquiries at Constantinople is not to be considered a document such as the law defines, and in consequence of the Petitions which were presented to the Imperial Stirrup, containing complaints of the inquiries which took place at Moosh, His Imperial Majesty's Decree, that the case should be examined according to law and justice, was issued, and therefore it must be admitted that the local and preliminary examination cannot be taken as a basis for comparison. The first is hereby disposed of. In order that nobody and no class of persons outside the Court should be blamed, and in order not to fall into the danger of searching for a secret motive for the repetition of Moussa Bey's name so often in the four quarters of the globe, and for this case's being beaten into every shape and form, whatever anybody may say, if, my Lords, your honourable Court supposes that you are hearing a common criminal case, and that the prosecutors are pure in heart and the witnesses impartial, the second point, too, will be set aside. Proceeding on the path which has been cleared by the removal of these two points, the goal which is to be seen from a distance is a condemnation. But it may be said that before arriving there, there are several discrepancies to be met with. This impediment consists in the fact that the prosecutors are not to be considered intelligent and learned men and the witnesses wise and sharp individuals, but simple men who can only convey to others with difficulty what they mean, and as these discrepancies will be set aside with the force resulting from the union of other private circumstances, in addition, if your honourable Court will endeavour to follow in the limits which I have submitted to it, the importance that is given to this action will disappear. I am sure the Court will give proof of real justice; I have no doubt that whatever the Judgment that is about to be given, it will have a force amply sufficient to disprove lying publications, that is to say, it will have proper legal motives. That the results of Moussa Bey's surrendering to Ottoman justice will be seen is evident and incontestable for all of His Majesty's loyal subjects. I always declare, and particularly in this case, that, conformably to high desire, the Judgment that will be given will be most just and reasonable, and, in conclusion, I demand that justice should be done to the plaintiff."

President (to the lawyers for the defence, on Simon Effendi resuming his seat).—It is now your turn.

Izzet Effendi, the senior counsel for Moussa Bey, then rose and read a lengthy and eloquent speech, with a fine sonorous voice. His speech was much too long for reproduction, and I shall therefore confine myself to the citation of the principal points. The exordium was, as in the speech of Tinghir Effendi, a panegyric of His Imperial Majesty the Sultan, including a prayer for the preservation of the Empire from the illegal aims and intrigues of ill-wishers. He then referred to the high birth of his client, Moussa Bey, Merza Bey Zadé, a Kurdish Chieftain, of a family which had been noble for 300 or 400 years, and which had always served the Empire with loyalty, to the charges which had been preferred against him out of spite, directly and indirectly, and which had finally been echoed in the foreign press, to the fact that although the offences charged were ordinary criminal offences, attempts had been made to give them another colour, and to Moussa Bey's desire for a public trial in order that the stain thrown upon his character, which could not be removed by the "Ordonnances de Non-Lieu" given by the Judge of Instruction, should be publicly effaced and his innocence proclaimed, not only by the Court, but before the bar of public opinion, which would then be convinced that these charges circulated against him were calumnies. "As he is a civilized man," said he, "he prefers to die with honour rather than live in infamy." *Izzet Effendi* then proceeded to enlarge in detail upon the contradictions, discrepancies, and inconsistencies of the witnesses in the four counts

against his client, and sought to refute separately the allegations of the witnesses. These witnesses, he declared, were perjured, and he asked for Moussa Bey's acquittal.

During the speeches of the Public Prosecutor and the two lawyers, I noticed in the reserved space many officials, chiefly judicial, and lawyers, among others, their Excellencies Ibrahim Bey, Judge of the Court of Cassation; Jelal Bey, Director of Criminal Affairs in the Ministry of Justice; and Kiamil Effendi, Director of the Mint; as well as Ismail Bey and Halil Nesché Bey, Judges of the Commercial Court of Appeal and Correctional Court of First Instance, &c.

At the close of Izzet Effendi's speech, the President asked Mehemet Ali Effendi whether he had anything to say.

He replied that his speech would be very lengthy, and the Court thereupon adjourned till Monday.

The fifth and last sitting of the Court took place on Monday, the 2nd December, in the presence of the same dignitaries who had previously been present. The Judges took their seats on the Bench at 20 minutes to 12, the audience being as large as before, and in anticipation of Judgment being pronounced in this remarkable case, which it is no exaggeration to say has almost monopolized the attention of the public. Very few officials were present at the commencement of the proceedings, though afterwards many of those who had previously attended made their appearance.

On the *President* calling upon him to speak for the defence,

Mehemet Ali Effendi rose and proceeded to read a lengthy speech on behalf of Moussa Bey. After a long preamble, he proceeded to refute the charges against his client in the same way as Izzet Effendi had done, only with much more detail. His utterance being very indistinct and his voice monotonous greatly diminished the interest taken in the proceedings.

He protested strongly against the attempts which had been made to describe Moussa Bey as a savage and uncivilised person, and he called the attention of the Court to Moussa Bey's dress, manners, and general bearing in refutation of this assertion. During several centuries, he said, Moussa Bey's family had constantly, from father to son, rendered loyal service to the Imperial Government, and he himself had been a Mudir, and had faithfully performed his duties.

The enmity of the Armenians had been excited against him owing to an affair in which a married priest was engaged. There were four counts in the two actions brought against Moussa Bey, and he relied on the interrogatories at Moosh and Constantinople, especially Ibrahim Bey's inquiry, to prove that the charges against his client were trumped up. He called attention to the fact that while Moussa Bey was well-to-do, the witnesses were indigent people, who were, some of them, without work, and had stopped in Constantinople for a long time, and he characterized their evidence as mendacious.

During his detailed refutations of the alleged contradictions, Moussa Bey showed evident signs of weariness, in which the audience fully sympathized, and he was observed to remark to Izzet Bey that this speech was superfluous, as these arguments had been already presented to the Court. Finally, unable to restrain his impatience, he interrupted his lawyer by asking the President's permission to speak; but on the President pointing out that it was advisable that the defence should continue and not be interrupted, he desisted. *Mehemet Ali Effendi* remarked that after he had finished his speech Moussa Bey could speak, and quietly continued. At 20 minutes to 1 the Court withdrew, and the sitting recommenced half-an-hour afterwards.

Mehemet Ali Effendi continued the reading of his speech. Another incident occurred. Noticing Moussa Bey's increasing impatience, Izzet Effendi made an attempt to seize part of the voluminous brief of his brother counsel, but unsuccessfully, as the latter perceived his intention, and by a quick movement secured the papers. Moussa Bey shortly afterwards again interrupted his counsel, and expressed a desire to speak.

Mehemet Ali Effendi protested that his speech was drawing to a close, and asked to be allowed to finish it without interruption. At a quarter to 2 he concluded, with the demand for the acquittal of his client.

Moussa Bey then addressed the Court, and deprecated the lengthy pleading of his counsel. Where is the necessity of repeating all this? The trial has now lasted over a week. All those who have attended at the proceedings must know who is in the right: if they have not been convinced hitherto all the repetitions imaginable will not make them comprehend the nature of the case. Although I am of a noble family, justice is equal for all. My Lord, you have been appointed to administer justice and to carry out the law, and you have heard me and the witnesses for the prosecution. It

now remains for you to pronounce the sentence to which, whatever it is, I shall submit.

Asked by the *President* whether he had anything to say, the plaintiff *Carabet* rose to his feet, and, boldly addressing the Court, said :—

“My Lord, we are told that a gentleman like the prisoner, Moussa Bey, cannot have committed the crimes with which he is charged. This fine gentleman with the fez and black coat,” said he (pointing to the accused), “is not the savage Chieftain we know in our country, and who has wrought us so much evil. Why does he not appear before your honourable Court in the wild dress in which he is known to everybody in our country? He has impoverished us, ruined our homes and families, robbed and burnt our houses, and he dares to say here that all this is not true.”

President.—What more?

Carabet.—Everywhere in our country the traces of his crimes and misdeeds are to be seen.

Izzet Effendi, rising :—

“My Lord, the plaintiff has no right to talk in this manner; these declarations are irrelevant.”

Carabet.—I have the right to defend my interests. If Moussa Bey knew he was not guilty, why did he not come of his own accord to defend himself during the two years and more we have been prosecuting him.

Mehemet Ali Effendi.—We ask for damages. (He then presented a document to one of the Court ushers.)

Carabet.—Since Moussa Bey has come here there are no more outrages and crimes in our country, where Kurds and Armenians live as brothers.

Moussa Bey.—I ought not to praise myself, but as he asks why I did not appear before the authorities to defend myself, I must say I remained two years at Moosh and one year at Bitlis, when Salih Pasha and Arif Pasha were Governors. He says I am now considered civilized, because I no longer wear my native dress and wear a fez; thus, according to him, all those who don't wear a fez are savages. The Persians are therefore savages because they wear black lambskin caps, and the English because they wear a hat. Whoever does not wear a fez is not a man! Everybody, when in his native country, wears its costume.

Simon Effendi then rose to address the Court :—

“I don't intend to attempt to refute Mehemet Ali Effendi's arguments, as they are simply a repetition of Izzet Bey's. I only wish for a reply to the questions I have put before the Court, which has not been given. Among other things, I asked whether the Court could take for a basis for its Judgment Ibrahim Bey's Report and the *procès-verbaux* of the depositions taken at Moosh. I also asked whether the contradictions which have been noticed in the depositions of the witnesses merely exist as regards the details or the main facts of the case. As regards the two first questions, I declare that the documents therein mentioned, once His Imperial Majesty the Sultan has decided that the case should be tried here, can have no value. As regards the last question, I maintain that the contradictions spoken of have regard only to details, and not to the main facts of the case. It is impossible that details of the crimes should be remembered by the witnesses after such a lapse of time. These witnesses are honest, simple, ignorant people, and therefore too much importance should not be attached to discrepancies in their statements, especially when the events under examination occurred about three years ago.”

Simon Effendi, in conclusion, expressed the hope that the Court would not be influenced by the statements for the defence, and asked for justice to his clients.

Izzet Bey, in reply, maintained his point of view regarding the preliminary Reports of Ibrahim Bey and the *procès-verbaux* signed by the accusers at Moosh, and went to the length of asserting that the Court would have been justified in taking it as a basis for its Judgment even though it had been drawn up by one having no official character, once the plaintiff had signed it. As to the depositions of the witnesses, it was evident that they were not in agreement regarding either main facts or details. It is insinuated that as the witnesses are simple and ignorant men their errors must be pardoned, but that is inadmissible. Supposing the Mosque of Sultan Bayazid or the Seraskeirate was described to a man who had never seen them, he might perhaps wrongly describe them not several days, but even an hour afterwards; but if he had seen them and were asked to describe them, he could do so even after twenty years.

Public Prosecutor (addressing the President).—As your Excellency is aware, the last word belongs to me as Public Prosecutor. Out of the points raised by Simon Effendi Tinghir there are only two which concern the Public Prosecutor. I have

already expressed my opinion as Public Prosecutor regarding this case. Although the preliminary inquiry made by his Excellency Ibrahim Bey, Judge of the Court of Cassation, has not been taken as a basis for this action, it has been borne out by the inquiry made in Court. Simon Effendi Tinghir has also stated that the contradictions are not on the main points, but in the details. When a man gives evidence he testifies to the main points of a case, and not on the details. When witnesses are suborned they are united on the main points, but their falsehood is easily understood from the details. The law has, fortunately, laid down a penalty for false witnesses.

After a few remarks from *Mehemet Ali Effendi*, to the effect that Simon Effendi Tinghir had admitted the contradictions, but had failed to point out which were on the main points and which were on the details,

Izzet Effendi made a final appeal to the Court, during which he stated that both his colleague and himself had been held up to obloquy by many conscientious people unacquainted with the true state of the case. He protested against a man being sacrificed to the violent desire for vengeance inspired in their minds by lying publications, reminded the President of the Court that justice was not to be influenced or led by opinion, and called upon the Court to correct the error into which public opinion had fallen, by declaring in its sentence the innocence and acquittal of Moussa Bey of the crimes laid to his charge.

The President, after asking on both sides if they had anything more to say, and receiving an answer in the negative, declared the trial over, and withdrew with the other Judges into the deliberation room about 2.10. Exactly an hour later the Judges returned to their seats.

President.—Moussa Bey, listen to the decision concerning you that will now be read as the result of the trial.

Azmy Bey, Clerk of the Court, then read the following decision :—

“After hearing the claims and defence of both sides, perusing and examining the documents of the interrogatory, the case has been deliberated upon, and, as will be shown in the detailed record and in the Judgment to be drawn up, considering that the evidence which has been given as to the actions of which Moussa Bey stands accused, is conflicting and cannot be looked upon as quite sufficient to insure conviction, and whereas of these actions, as regards the arson and extortion, a majority has not been obtained, and as regards the burglary unanimity has been obtained, while on the murder of Malkhass a majority of two-thirds for his culpability has not been obtained, decision has been given for his acquittal and his release if he is not detained on another charge.”

President (to Guards).—Release Moussa Bey.

Two or three persons in the audience then shouted “Long live the Sultan,” and the proceedings terminated.

(Signed) JUSTIN ALVAREZ.

Constantinople, December 6, 1889.

Annex 1.

Translation of Report of Chamber of Accusation in the Case “Migherditch v. Moussa Bey.”

IN the presence of the President, Hussein Ruschdy Effendi, and the members, Neschet and Hyder Effendis, of the Correctional Court of Appeal, sitting as Chamber of Accusation, and of Raouf Bey, Assistant Prosecutor to the Court, sitting *in camera*, the conclusion of the Constantinople Instruction (*i.e.*, Interrogation) Department, inclosed in Objection 5049, dated the 15th Reby-ul-Ewel, 1307 (28th October, 1305), of the Public Prosecutor to Appeal Courts, and a further objection to this conclusion on the part of the Public Prosecutor of Stamboul and Migherditch Ohannesian, private prosecutor, were all examined and found to be within the delay allowed by law. They were read by Memduh Bey, Clerk of the Court. The conclusion was to the effect that the Kurd, Moussa Bey, was accused of having gone to the village of Ardonk, in the Sandjak of Moosh, and of having set fire to a store belonging to Migherditch, son of Ohannes, containing agricultural implements, clothes, and other property, and to hay and wood on the outside, as well as to the stacks of barley in the “harman;” also of having entered his house by making a hole in the wall, and of having stolen his goods, and also of having violently extorted 20 liras by tying up his elder brother and father and threatening them, and that the result of the

interrogatories showed that the evidence was conflicting and false ; and as was shown in a despatch of the 30th August, 1305, from the Assistant Public Prosecutor of Bitlis, Migherditch's father, Ohannes, had previously applied to the authorities of Moosh, stating that, at the instigation of Moussa Bey or his relative, Suleiman Bey, on the night of the 16th July, 1303, the hay and other property in the straw-store were burnt, and, while he was unable to prove that this straw-store was burnt at the instigation of the aforesaid, the fact that Migherditch maintained that on this occasion Moussa Bey in person burnt the stacks of hay in this straw-store ; the fact that he endeavoured to prove his case by producing witnesses to that effect ; and the fact that he stated, though at Bitlis on the night of fire, that he with his own eyes saw Moussa Bey commit the arson, showed what was the real nature of the case ; and, therefore, as it was evident that conflicting evidence could not be looked upon as legal proof, the conclusion stated that an "Ordonnance de Non-Lieu" had been issued in favour of the accused, Moussa Bey.

The contents in brief of the Public Prosecutor of Stamboul's objection were that, notwithstanding the "Ordonnance de Non-Lieu" given in favour of Moussa Bey, in consequence of conflict and contradiction in the statements of the witnesses whose depositions were taken down concerning the action for arson and theft of Migherditch, son of Ohannes, against Moussa Bey, during the interrogatories and investigations, the appreciation of this lay in the hands of a special authority, and the annulment of the "Ordonnance de Non-Lieu" was demanded, it not appearing conformable to law. Migherditch Ohannesian's objection stated that the "Ordonnance de Non-Lieu" given by the Judge of Instruction was irregular, demanded its annulment, and a searching and thorough investigation to bring the truth to light.

The contents of the Objection of the Public Prosecutor of the Appeal Court state that, notwithstanding that the evidence and depositions of the witnesses are contradictory, and the different depositions of Migherditch, who considers himself a private prosecutor, and who now has signed the Petition containing his opposition to the Order of the Judge of Instruction as a denouncer, tend to bear out the falsity of his claim, yet, as is stated in the Objection of the Public Prosecutor of the Court of First Instance, the appreciation of the evidence rests with the Court that will try the case ; and as, according to the evidence given, the action of Moussa Bey, that calls for the heaviest penalty, is in accordance with Article 163 of the Penal Code, opposition is made by the Public Prosecutor of the Appeal Court against this "Ordonnance de Non-Lieu," of which he demands the annulment, as well as the indictment of Moussa Bey. Seeing that Migherditch has expressly stated, by his signature to his opposition, that he is a denouncer, by law he has no right of opposition, and it must therefore be rejected. After examining other documents, the Assistant Prosecutor repeated and supported the opinion expressed in this Objection ; and the Clerk of the Court having handed to the Chamber all documents in the case, they both withdrew. Deliberation was then begun, and decision was unanimously given on the 17th Reby-ul-Ewel, 1307 (30th October, 1305), for the rejection of Migherditch's Petition against the "Ordonnance de Non-Lieu," seeing that his signature declared him a denouncer, and he consequently had no legal right to make opposition ; for the annulment of the Judge of Instruction's "Ordonnance de Non-Lieu," conformably to the Objections of the Public Prosecutors, both of the Courts of First Instance and Appeal, as the Judge of Instruction, taking upon himself to appreciate the evidence of those witnesses whose depositions are recorded, is an assumption of the duties of a Court, and therefore illegal, for the criminal accusation of the suspect, Moussa Bey, as there are sufficient circumstances to warrant his accusation ; and as the action that calls for the heaviest penalty is seen to be a criminal one, requiring the application of Article 163, he is to take his trial in the Criminal Court, in accordance with the tenour of the clauses of section 2, chapter IV, of the Law on Criminal Procedure, and for the drawing up of a warrant for his arrest. The requisite warrant for his arrest has been made out, as is communicated, together with other documents.

Annex 2.

Translation of the Report of the Chamber of Accusation and the Indictment of Moussa Bey for the Murder of Malkhass.

In the presence of the President, Hussein Ruschdy Effendi, and the members, Mehemet Bey and Kapriel Effendi, of the Correctional Court of Appeal, sitting as Chamber of Accusation, and of Memduh Bey, Assistant Prosecutor of the Court, the conclusion of the Constantinople Instruction Department, inclosed in Objection 5111, dated the 26 Reby-ul-Ewel, 1307 (8th November, 1305), of the Public Prosecutor to Appeal Courts, and a further Objection to this conclusion on the part of the Public Prosecutor of Stamboul and other documents, were examined and found to be within the delay allowed by law. They were read by Memduh Bey, Clerk of the Court. The conclusion was to the effect that the Kurd, Moussa Bey, was accused of having wounded and killed the miller Malkhass, son of Arslan, of the village of Ardank, in the Sandjak of Moosh, but that notwithstanding the witnesses Gaspar and Temedre, priests, stated in the course of the instruction that Moussa Bey committed this crime, there were numerous contradictions in their depositions, and no motive had been shown for Malkhass being murdered by Moussa Bey, and supposing Moussa Bey had a grudge against Malkhass, seeing that on account of the great distance off them, the priests Gaspar and Temedre deposed that they did not recognize Malkhass and the men with him, and it is therefore far from probable that Moussa Bey should from such a distance distinguish Malkhass, pick him out from his companions, take aim at him and fire, and seeing that Usseb, son of the deceased Malkhass, both before and afterwards, declared that Moussa Bey had sent men in search of the criminal; that Malkhass did not die in consequence, but did subsequently after an illness of fourteen days; that Moussa Bey had no hand in his death; and that, notwithstanding the instigation of several Armenians to make complaint, he was afraid of God, and could not slander Moussa Bey, and had Moussa Bey caused the wound, and the wounded man died of the effects of the wound, it is evident that his heirs would have informed the Government, and an action would have been brought against him; whereas, until the complainant, Kumaseh Cadyn, came to Constantinople with Moussa Bey's other prosecutors, no heir of the deceased brought an action, and the heirs denied the denunciation, made out of spite, as is evident from local information. From all the depositions, it is clear that there was no examination of the deceased, and consequently Gaspar and Temedre's evidence is weakened by numerous proofs, appears divested of truth, and cannot be considered acceptable testimony on an "Ordonnance de Non-Lieu" as regards Moussa Bey's trial has been given, as legal proofs of crime are wanting.

The substance of the objection of the Public Prosecutor of Stamboul referred to the decision of the Judge of Instruction, that on account of the conflict and contradiction between the declarations made against the Kurd, Moussa Bey, who was accused of the wounding and killing of Malkhass, there was no credible evidence against him, and demanded the annulment of this decision as not conformable to law, the appreciation of evidence belonging to the Court. The contents in brief of the Public Prosecutor of the Appeal Court's objection were of similar purport, and a demand was made for the accusation of Moussa Bey criminally, as his action was described as crime in Article 105 of the Penal Code.

After examination of the other papers and support of the last objection by the Assistant Prosecutor, the Clerk of the Court handed all the documents to the Chamber, and they both withdrew. In deliberation, decision was unanimously given on the 26th Reby-ul-Ewel, 1307 (8th November, 1305), for the indictment (accusation) criminally of Moussa Bey, who was to take his trial before the Criminal Court conformably to the tenour of section 2, chapter IV, of the Law on Criminal Procedure, according to Objection, seeing that the Judge of Instruction, taking upon himself the appreciation of the evidence, which is one of the legal duties of a Court, and issuing an "Ordonnance de Non-Lieu" on the ground of conflicting evidence, is illegal, and that there is sufficient evidence in the documents of the inquiry against the suspect, Moussa Bey, to warrant his indictment under Article 170 of the Penal Code, and for the issue of a warrant for his arrest, there being in the papers handed in nothing to show he is in prison. The requisite warrant for his arrest was made out, and was communicated with the other documents.

Indictment.

As is described in detail in the Report of the Chamber of Accusation, dated the 9th November, 1305, containing the legal interrogatories and inquiries of the

Instruction Department of the Constantinople Court of First Instance, concerning the Kurd. Moussa Bey, accused of wounding and killing Malkhass, son of Arslan, of the village of Ardonk, Sandjak of Moosh, according to the evidence of the priests Gaspard and Temetre, it has been shown that Moussa Bey wilfully wounded and murdered Malkhass, and Moussa Bey is therefore indicted as a wilful murderer.

27th Reby-ul-Ewel, 1307 (November 9, 1305).

No. 35.

Sir W. White to the Marquis of Salisbury.—(Received December 25.)

My Lord,

Constantinople, December 12, 1889.

WITH reference to my despatch of the 27th ultimo, I have the honour to transmit herewith a translation of the three copies of the official Turkish Judicial Journal, giving the continuation of the interrogatory of Moussa Bey.

I have, &c.

(Signed) W. A. WHITE.

Inclosure 1 in No. 35.

Depositions.

Deposition on Oath of the Witness Agop, Son of Parma, Labourer, Native of the Village of Ardonk.

WITNESS stated that he was living in Vezir Khan, and that he was 65 years of age.

Q. Have you any complaint against Moussa Bey, and has he done you any wrong?—A. He has done me no wrong, and I have no claim against him.

Q. With whom did you come to Constantinople?—A. I came with Carabet, the brother of Migherditch. Carabet paid my expenses.

Q. What did you come for?—A. I came to bear witness.

Q. State what you know?—A. Three years ago, one night, at about 3·30 or 4, as I was sitting on the threshing-floor, I saw smoke rising up. I supposed it was a fire, and went towards it, and as I looked a flame sprang up and lit up the whole place. I saw Moussa Bey, with Omar Bey, holding lighted candles in their hands, urge their horses along and set fire to the hay belonging to the priest, Migherditch. Chalo Murad was also there on horseback, and other persons on foot, but I did not know they were there. I called out "Fire!" and the people of the village came. The others moved off and got away. There were two servants in the barn. These they saved, but the barn and the hay were burnt.

Q. Was your threshing-floor near that of Migherditch?—A. 200 or 300 yards off. But the floors are all in a row.

Q. That is to say, then, there are other floors between yours and that of Ohannes. How many floors are there?—A. There are six in between.

Q. How many are there in the village?—A. Each house has its threshing-floor. In our village there are seventy or eighty houses, and, therefore, seventy or eighty threshing-floors.

Q. Does the whole of the population of the village live on the threshing-floors?—A. Everybody sleeps on his own threshing-floor.

Q. How was it that you saw what happened, while the others did not?—A. Boghos had already gone, and when I saw it I called out.

Q. Boghos says that only he saw anything, and no one else of the inhabitants?—A. No; God knows I saw it with my own eyes.

Q. What kind of horse was Omar Bey on?—Moussa Bey's was white, Omar's grey, and Chalo Murad was on a bay.

Q. Did you see a candle in Chalo Murad's hand, too?—A. I saw candles in the hands of Omar and Moussa, but not in Murad's.

Q. Is Boghos' threshing-floor next to yours?—A. No; it is nearer to Ohannes' than to mine.

Q. Where was the smoke you saw rising from?—A. The smoke I saw rose from the barn. When I went there the barn was on fire. Moussa Bey and Omar Bey held their candles to the hay. This caught fire first and the barn afterwards.

Q. Sign this declaration of yours.—A. I don't know how to write, and I have no seal. I can place my finger there.

(Mark of Agop.)

(Signed)

AHMED, *Recording Clerk.*

HUSSEIN SEDKY, *Juge d'Instruction.*

Declaration on Oath of the Witness Ohannes, Son of Mukhtar, Miller, Native of the Village of Ardonk.

Witness stated that he was living in the café of Eyi Azik, in the nailmakers' Ivazian quarter of Kassim Pasha; and that he was 45 years old. Made on the 14th September, 1305.

Q. When did you come to Stamboul?—A. Nine months ago. I worked in Ivanserai, but have left now.

Q. Have you any relations with Migherditch, priest of the village of Ardonk?—A. No; but he is of the same village as I am.

Q. Have you any complaint against Moussa Bey; has he done you any wrong?—A. No; he has done me no wrong. I have no complaint against him.

Q. Do you know whether he has wronged any one else?—A. I don't know. I know of the affair of Migherditch.

Q. What do you know?—A. Two years ago at St. Demetrius' (Kassimwakti), time, one night, at about half-past 4, Moussa Bey, Omar Bey, Murad, and some others whom I do not know, pierced the wall of Migherditch's house, entered, and carried off crockery, linen, and other articles.

Q. What sort of articles did they carry away?—A. Women's and clothes.

Q. With what did Moussa Bey pierce the wall?—A. Moussa Bey, his son-in-law, Omar Bey, and Murad made a hole with sticks and got in.

Q. How many minutes did they take?—A. About ten minutes or a quarter of an hour.

Q. Was the hole large?—A. About half-a-fathom.

Q. Who got in first?—A. Omar Bey first; then Murad. Moussa Bey stood on the roof, and waited for the others outside.

Q. Who came out first?—A. Omar Bey came out first with the things, followed by Murad.

Q. Did Omar come out with the things on his back?—A. He threw them out one by one and in bundles, and then came out himself.

Q. Then, when did Moussa come down from the roof?—A. Omar and Murad came out and Moussa got down, and they went away together.

Q. Were they on horseback or on foot?—A. They were all on foot.

Q. Is Moussa's village near you?—A. About half-an-hour distant.

Q. How did they carry the things?—The others, that is, Omar, Murad, and the rest, excepting Moussa, carried them.

Q. How far is it from your house to that of Migherditch?—About 200 paces.

Q. Were you asleep when they came?—No; I was in my room. I saw a knot of persons, and went and saw what was going on. He said, "Be off, or we will kill you." This frightened me, and I went away.

Q. Did no one come from the village before they went away?—A. The villagers came an hour after they had gone. We went into Migherditch's house to look, and saw they had taken away the things.

Q. When they threatened you, and told you to go away, where did you go?—A. I went straight home, and, in my fear, I told nobody.

Q. Do you never sleep till half-past 4?—A. Oh, yes; but sometimes, from fear, I wander about the village, and on that night I was sometimes looking outside and sometimes staying in my room.

Q. Did you know Moussa, Omar, and Murad previously?—A. Yes.

Q. Did Moussa do anything else to Migherditch, and Ohannes, his brother?—A. I don't know. I only saw this; this I know.

Q. Was not the store of Migherditch burnt?—A. It was; but at that time I was at Constantinople.

Q. Is the wall thick?—A. About a yard thick (less than 30 inches).

Q. Of brick, or of stone?—A. Of stone.

Q. How can you bore through a stone wall 3 feet thick in a quarter of an hour?—A. The (thick) sticks they had in their hands had iron tips about a span in length.

Q. You say you saw a group of persons; you went and saw what they were doing. They told you to go, and threatened you, and you returned home. You add that they made the hole in a quarter of an hour, and that the house of Migherditch is 200 paces off. Now, how did you see in the dark, from such a distance, who came out of the hole first and who came out last, and what sort of things were brought out?—A. That is what I saw.

Q. Is it possible to see like that?—A. It was light.

Q. Before or after Kassim?—A. I don't know.

Q. Sign your declaration.—A. I cannot write, and I have no seal. Let me place my finger on it.

(Ohannes laid his finger here.)

(Signed)

AHMED.

HUSSEIN SEDKY.

Deposition on Oath of the Witness Manas, Son of Malcom, taken down after Interpretation by Baghdik Effendi, 25 years of age.

Witness stated that he worked as a miller in a mill on Pasha Harbour in Scutari that he was a native of Ardonk, and that he was 25 years of age. Made on the 14th September, 1305.

Q. Have you worked in any other mill?—A. I have worked in mills in Jibali and Yéni Kapoo.

Q. When did you come to Constantinople?—A. Eight months ago.

Q. Had you been here before?—A. Once when I was little.

Q. Are you related to Migherditch, of the village of Ardank?—A. No.

Q. Have you any complaint against the Kurd, Moussa Bey?—A. No; I have come as a witness.

Q. Do you know whether Moussa wronged any one else?—A. I only saw him do harm to Migherditch.

Q. Say what he did to him.—A. A year and a-half ago in the winter, at Christmas, at about 11 o'clock on a Saturday, Moussa, Omar, Jezay Bey, Murad, and about fifteen others, attacked his house. Moussa seized Migherditch's father, Ohannes, and his brother Carabet, tied them both to a post, and demanded 20 liras, threatening to burn down his house if they refused to give the money. The wife of Carabet went with her daughter-in-law, Vartersi, to her village, and found the 20 liras. She also collected a similar sum in our village. She gave 20 liras to Moussa, who, as soon as he received them, let the men go, mounted his horse, and rode away with his companions. That is what I know.

Q. How long did Ohannes and Carabet remain tied?—A. Two or three hours passed while the money was being collected and brought.

Q. Did Moussa and his men sleep that night in the house of Makradijian?—A. When he had got the money they mounted and rode off.

Q. When the men were tied did they call the villagers?—A. Nobody dared to go and call them.

Q. How were you there?—A. I was looking at Moussa's horses outside.

Q. How was it you came there? Did they call you?—A. When the people had found the money they brought it, and came to beg Moussa to let the men go, and as I was with them I came, too.

Q. Just now you said everybody was afraid to go; now you say they came?—A. At first they had not the courage, but when they had collected the money they brought it.

Q. Sign your declaration.—A. I cannot write.

Q. Do you know of any other misdeed of Moussa's?—A. No.

Q. Was Makradijian's store burnt?—A. I was asleep at the time; when I awoke I saw there was a fire, but do not know who was the author of the fire.

Q. Will you put your signature to this statement?—A. I cannot write, but it is no secret, and I will place my finger upon the seal.

This statement has been made by Manas, and interpreted by me, Baghdik.

(Manas has placed his finger upon the seal.)

(Signed)

AHMET.

HUSSEIN SEDKY.

A man was summoned to appear as witness from Scutari from the Sultan dé Vali farm at Pasha Liman. He stated that he was a native of Ardonk, 20 years of age, and employed at present at the Sultan Vali farm. His name was Bogos, son of Vartan. The following is a report of the statement he made upon oath after undergoing examination, Baghdik Effendi acting as interpreter:—

Q. When did you come to Constantinople?—A. A year ago.

Q. Had you any relationship or connection with the villager, Migherditch?—A. He is from the same village, but not related to me in any way.

Q. Have you any charge to bring against Moussa Bey, and has he injured you in any way?—A. Not at all; and I have no complaint to make against him.

Q. Are you aware of any injury done by him to any person or persons?—A. I remember that one night about two years and a-half ago, in the month of October, at a late hour in the night, we were sitting together in Migherditch's room. I myself, together with Ohan, son of Mimo, Murat, son of Kirkor, and another Ohan, son of Shero, had been upon my rounds to see that all was well in the village. We had come into Migherditch's room to rest. Suddenly the dogs began to bark furiously in the street, and Ohan, son of Mimo, and I ran out to see what was the matter. We saw a man upon the roof of Migherditch's house. I asked him who he was; he told me to hold my tongue, or he would shoot me. He had a cudgel in his hand, and was making a hole in the roof. This man was Moussa Bey. I recognized him by his voice and could even see his face, for there was a bright moonlight. When I saw Moussa Bey I was terrified, and crossed straight over the road opposite the house. Then I saw seven other persons lurking about. Among these I recognized Umer Bey, Chalo Murad, and Hussno, son of Haji Abraham. The others I did not recognize. These men, with the exception of two or three, entered the house through the roof, and brought out the goods belonging to its owner. But I do not know what they were. They then proceeded to pack up what they had stolen, and all went off together. Finding that the people of the house were asleep we awoke them, and told them what had happened, and then went home. This is all I know, and I bear witness to it.

Q. Who was in Migherditch's room when you entered?—A. Migherditch's brothers, Ibrahim and Kenias, and his father, Ohannes, and their wives.

Q. Were they sitting in the room?—A. They were asleep.

Q. If they were asleep and the door shut, how did you enter?—A. The door of the room is distinct from the khan door. The men I have mentioned were in the khan, and the door being open we entered the room.

Q. When you saw the thieves, why did you not give the master of the house the alarm?—A. Because Moussa Bey said, "If you utter a sound I will shoot you," so I was afraid, and retired.

Q. The roof has a chimney; why did they not enter by that?—A. The chimney is high up; they could not descend from it. They got in through a hole in the corner of the roof.

Q. Whether they entered by the chimney or the hole they must descend, so why did they make a hole?—A. The middle of the roof is high, but at the eaves it is only the height of an ordinary man. By knocking out a couple of stones, any one could get down into the room.

Q. Did they pass what they had stolen through the hole they had made?—A. Yes.

Q. How did they manage to pass it through a hole five or six feet from the ground?—A. They enlarged the hole before passing the things through.

Q. Were the robbers seen by Ohan and the other Ohan, and by Murad, too?—A. They saw nothing. Ohan, son of Mimo, who ran out with me, saw them.

Q. Is this Ohan now at Constantinople?—A. He is.

Q. Is that Ohan whose statement we lately took down Ohannes, son of Mukhtar?—A. Yes.

Q. Ohannes declares that you were the only man who saw the thieves?—A. We were together; he must have seen them.

Q. Ohannes says that he was not in Migherditch's room that night; he was in his own?—A. What can I say? It may have been so.

Q. Sign this statement.—A. I cannot read, but I will lay my finger upon the document.

(Bogos has placed his finger upon this.)
BOGOS.

This statement has been taken with myself for interpreter.
(Signed) BAGHDIK.

Q. Do you know of any other outrage committed by Moussa Bey?—A. I am not aware of any: they say he has committed others, but I cannot tell.

Q. Sign this statement.

(Bogos has laid his finger upon this.)

I have acted as interpreter.
(Signed) BAGHDIK.

(Signed) BAGHDIK.
HUSSEIN SEDKY.
AHMED.

The following is the statement of Moussa Bey and his examination, 2nd July, 1305 (Mah):—

Q. What is your name and your father's name, where were you born, and how old are you?—A. My name is Moussa Bey, my father's, Muza Bey; my native place is the village of Ziniar, in the Province of Moosh. I am between 34 and 35 years of age. I was Mudir for some time; I am now Revenue-farmer, and am married. I have three wives, two sons and two daughters. I am possessed of five farms and one house.

Q. You are accused of having set fire, about three years ago, after harvest-time, to the barn of the Ardonk villager, Ohannes, and burnt his hay and his store-house?—A. I know nothing about it.

Q. Several persons have borne witness to the statement that you, along with your brother, Jezay Bey, and your brother-in-law, Umer Bey, and Chalo Murad, and a few other Kurds, went to Ardonk and burnt the barn and hay and store of this Ohannes?—A. Jezay Bey was at that time only 11 years old, and I was carrying on a law-suit at Moosh with my uncle, Suleiman Bey. I was at Moosh, and neither I nor Jezay Bey know anything about this matter.

Q. How long did you stay at Moosh?—A. I stayed there two years; after that I moved to Bitlis, in accordance with orders received from the Porte. There I remained one year, and then came to Constantinople.

Q. Did this Ohannes bring no charge against you at that time?—A. He came about then to Moosh, and informed the Government of the fire through which he had suffered. But he did not accuse me, and I was asked no questions about the matter by the Government.

Q. Several persons from Ardonk assert that you were the author of the fire?—A. Those who had disputes with me are among those who make this assertion. They have in their possession papers to show that they were at law with me in Bitlis and Moosh.

Q. How do you know who are your accusers?—A. The inhabitants of two or three villages got up law-suits against me. These are intimate with my accusers.

Q. It is further stated that you, along with Umer Bey and Chalo Murad, and some others of your associates, two years after the fire, went one night and broke through the wall of Ohannes' house, and entered it. After which you took and carried away everything you could lay your hands upon?—A. Nothing of the kind occurred as far as I am aware. I know that the Government was informed of my having perpetrated this crime, but it is not my place to say what the Government thought of it. The real cause of the charge was the fact of Migherditch's having murdered his brother's wife, and, as my father was at that time Governor of the place, he endeavoured to arrest Migherditch and bring him to trial. But he escaped to Constantinople, and never returned to his country.

Q. You are further charged with having, two or three months after the robbery of Migherditch's house, gone one evening, together with Umer Bey and Chalo Murad,

and several others, to the house of this Ohannes. They say that you tied his eldest son with a rope, and five or six hours later you took the 20 liras Okhanis had managed to accumulate, and went off with them?—*A.* A year before the time when these things, as they declare, happened, I gave Okhanis 30 bushels of seed and 100 liras in money, in order that we might afterwards divide the value of the produce according to the custom of the country. This seed he was to sow in his own fields, as is the usual custom, and then, when the grain was ripe, we were to divide it fairly between ourselves. The 100 liras he was to pay me back after the produce had been disposed of. He did pay them back, and divided the crops fairly with me. But with the money I had furnished him without interest we planted a melon field. Melons are not sold for money in those parts, but are exchanged for wheat. Ohannes sold the melon field for wheat, and my share in the wheat ought to have been 25 bushels. I had no claim on those melons which were not disposed of; they belonged to Okhanis. That year I was engaged in my law-suit with Suleiman Bey, and after finishing that I went home again. I sent Chalo Murad to Ohannes, and heard about the melons and wheat. Ohannes' son, Carabet, came to me along with Murad and two or three villagers, and I asked them about the melons and wheat. They said they had brought no wheat, and on my inquiring their reason, Carabet took 40 medjidies out of his pocket, and handed them to me. I said it was little, but finally agreed to accept it. This is how it all happened; but I certainly never went to Ohannes' house and bound his son or took away his 20 liras, as they assert. But a year ago Carabet went to Moosh, and, after presenting a Petition stating that I had taken 40 medjidies from him by force, instituted law proceedings against me. The Juge d'Instruction of Moosh examined me, and in the course of his investigations came to the conclusion that these 40 medjidies were rightly owed me, and that Carabet had brought them to me of his own free will. Thereupon, Carabet returned to his village.

Q. Sign this statement?—*A.* I will seal it.

(Sealed)

MOUSSA BEY.

(Signed)

AHMED.

HUSSEIN SEDKY.

In the letters sent by the Procureur-Général of Moosh in answer to the Ministry of Justice, dated the 16th Moharrem, 1308, and the 30th August, 1305, bearing the No. 23, it is stated that a charge was brought by Ohannes, son of Hachik, native of Ardonk, against Moussa Bey, and one of his relations, the late Suleiman Bey. He accused them of having, on the night of the 16th July, 1303, burnt his barn, along with the hay and farm implements it contained. But as sufficient proof was not forthcoming, and some of the persons summoned to appear as witnesses could not be present, no definite verdict could be given, and the case was dismissed.

(Signed)

HUSSEIN SEDKY.

July 27, 1305.

The following is the report of another statement furnished by the prosecutor, Migherditch, son of Ohannes, the 30th July, 1305:—

Q. When you made your former statement, you told us of a witness named Onan. Where is this witness?—*A.* I said Ohannes, not Onan, and Ohannes has appeared. You have taken down his statement. I mentioned him as my witness; you have taken a report of his statement.

Q. Your father Ohannes brought an action at Moosh to obtain damages for the burning of the barn. He said that the barn was burnt either by Moussa Bey, or at the instigation of his relative, the late Suleiman Bey. But it seems that as proofs were wanting, the trial could not proceed?—*A.* Moussa Bey said, "I did not do it; Suleiman Bey did it." Suleiman Bey said, "I did not do it; Moussa Bey did it." Moussa Bey urged us not to prosecute him, and so we withheld our proofs. Moussa Bey did it. I demand my property from him, so have no claim against Suleiman Bey.

Q. Sign this?—*A.* I cannot write, but will lay my hand upon it.

(Migherditch, son of Ohannes, has laid his hand upon this.)

(Signed)

HUSSEIN SEDKY.

AHMED.

Inclosure 2 in No. 35.

(Translation.)

Report of the Public Prosecutor of the Court of First Instance in Constantinople, and Judge's Decision of the "Juge d'Instruction" in the case of the three Petitions presented on behalf of Ohannes and his son Carabet, of the village of Ardonk, in the Sandjak of Moosh.

Report of the Public Prosecutor.

IN the case of the complaints made against Moussa Bey by Migherditch Ohannesian, of the village of Ardonk, who alleges that the said Moussa Bey came with companions by night to Ardonk, and burnt a barn of complainant's, and implements and clothes and other property inside it, and firewood and straw stacks outside; and that he entered complainant's house by boring a hole in the wall, and stole property from the house; and that, one evening, he came to complainant's house, and tied up complainant's elder brother and father, and extorted 20 liras from them by threats. We have perused the record of the inquiry by the "Juge d'Instruction."

Though it appears from this record that the statements of the witnesses, who appear as "parties civiles," are contradictory, and are denied by Moussa Bey, yet, the case demanding further inquiry, and the most serious of the alleged crimes, namely, that of arson, coming under the 163rd Article of the Criminal Code, the decision of a higher Court on the case is requested, according to the 128th Article of the Code of Criminal Procedure.

*Office of the Public Prosecutor, Constantinople, 24th of month Safar,
year 1307 (October 7, 1305).*

Decision of the "Juge d'Instruction."

In the case of Moussa Bey, aged 35 years, Chief of Kurds of the village of Jinar, in the Sandjak of Moosh, who has been living for some months past in Constantinople, accused by Migherditch of the crimes of arson, robbery, and extortion, we have perused the foregoing Report.

The said Migherditch is not provided with the power to act for his father, Ohannes, the owner of the property alleged to have been destroyed and stolen, who is still living. Migherditch said that, three years ago, in the season of corn threshing, one night, at 6 o'clock (Turkish time), he was sleeping in his house in the village of Ardonk, when news of a fire having broken out was brought to him by Boghos, one of the villagers; that thereupon he got up and went out, and found his barn on fire, and Moussa Bey and his companions surrounding the barn and preventing any one from putting the fire out; and clothes and other property stored in the barn for fear of robbers attacking the dwelling-houses, and three stacks of hay and one stack of firewood outside, and thirty-five cartloads of barley straw on the threshing-floor, were burnt also; that Boghos and Agop, of the same village, had been eye-witnesses of Moussa Bey setting fire to these things; that a complaint had been brought before the local Court, but the villagers had been afraid to give evidence against Moussa Bey, and the charge had consequently not been proved. That two months later, when he (Migherditch) was at Stamboul, Moussa Bey, at half-past 4 one night, bored a hole in the wall of his house in Ardonk, and stole property from the house; that the room from which the property was stolen was not the room in which the inmates of the house were sleeping; and besides his mother, no one else saw the thieves.

On being questioned, he changed his story and said that his mother did not see Moussa Bey inside the house, but heard his voice from outside, and knew him from the voice; that the thieves carried away the stolen property, and Boghos Vartanian, and Minass, and Hadji Kivork saw them do it; that his father, Ohannes, was informed of the theft shortly afterwards, and no complaint was made to the local authorities. That two and a-half months after the robbery, Moussa Bey went to his house and tied up his brother and his father, and extorted from them 20 liras; and that another Ohannes, surnamed Onan, was in Stamboul to give evidence of these facts, as well as Boghos Bedinkian, to give evidence of the arson.

In the preliminary inquiry held by Ibrahim Bey, the same witness had said that, on the night of the fire, he was at Bitlis, and that he did not know the names of the persons who had seen Moussa Bey commit the arson, and that the robbery from the house was committed by Moussa Bey's men.

The witness, on his attention being called to this former evidence, said that it was true he was at Bitlis on the night of the fire, that he did not see Moussa Bey commit the arson, and he had asserted the contrary by mistake; that as to his not having told Ibrahim Bey the names of the persons who had seen the arson being committed, he could not have been sure of the names till his brother had come from his native place and told him them. With regard to the robbery, he said further that it was not necessary for Moussa Bey to come to the village with his men, but he had given them orders and directed their actions.

On being questioned, Moussa Bey said that he had lived two years at Moosh, and was at Moosh on the night of the fire; that Ohannes, whose hay had been burnt, brought his complaint before the Moosh authorities, but did not institute any proceedings against him (Moussa Bey); that as to the property alleged to have been robbed, he knew nothing about it, and his brother, Jezay Bey, who was accused of complicity in the crimes, was at the time in question a child of 11 years of age. As to the alleged extortion, he said that Ohannes and himself had joined together to buy a garden and a field, and Ohannes being in his debt, on account of this transaction he sent his man to ask Ohannes to send him, in satisfaction of the debt, 25 kilog. of wheat and 600 water melons; that, instead, Ohannes sent him, through his son Carabet, 40 silver medjidiehs in part payment, and there was not a word of truth in the story of his having gone to Ohannes' house and having extorted the money; that Carabet had brought the complaint of extortion before the Moosh Courts, but it had been ascertained there that Carabet had paid the money of his own free will, and that these charges had been trumped up against him out of spite by the Armenians.

Boghos and Agop, who, according to Migherditch's evidence, had seen the circumstances of the fire, were sworn:—

Boghos said that three years before, on the night of the 24th July, about 5 o'clock, he was sitting in his threshing-floor smoking a cigarette, when he saw fire coming from the threshing-floor of Migherditch, which was situated at a distance of one threshing-floor from his own; that on going to the spot he saw Migherditch's barn on fire and Moussa Bey on horseback, with a paper in his hand, setting fire to the haystacks, and beside Moussa Bey was his brother, Jezay Bey, and Umer Bey and seven other men; that thereupon he shouted, "Moussa Bey is setting fire to Migherditch's barn, and to his hay and threshing-floor;" that then the villagers came up, and Moussa Bey ran off, firing some shots in the air.

On being further questioned, the witness changed his story, and said he did not shout when he was near Moussa Bey, but went to some distance from the fire and then shouted; that Moussa Bey had gone when the villagers came to the fire, and besides himself no one saw Moussa Bey.

Agop said that one night, about half-past 3 or 4, he was sitting on his threshing-floor, when he saw smoke rising, and having gone to the smoke, found there was a fire; that he saw Moussa Bey and Umer Bey, with tapers in their hands, galloping their horses about and setting fire to the hay of Migherditch's father, Ohannes; that he (Agop) shouted, "There is a fire; come," whereupon the villagers came, and Moussa Bey and his companions went off; that when he (Agop) reached Migherditch's threshing-floor only the barn was on fire; that then Moussa Bey and Umer Bey set fire to the hay; and, lastly, the threshing-floor caught fire; that his threshing-floor was 200 or 300 arshins distant from Migherditch's. On his attention being called to Boghos' statement, that no one but himself (Boghos) had seen Moussa Bey, the witness said that Boghos had gone before he came, and he (witness) saw Moussa Bey, and then shouted. Thus, the two witnesses contradict each other. Both witnesses said that their expenses of coming to Stamboul had been defrayed by Carabet, brother of the said Migherditch.

It appears from a communication sent to us from the Office of the Public Prosecutor at Moosh that the fire took place on the 16th July, not on the 24th July, as the witness Boghos stated.

Hajji Kevork and Minass, who, according to Migherditch, knew about the robbery from his house, said they knew nothing of the robbery.

Hajji Kevork said that about twenty-two months ago, on a winter evening at 11 o'clock, Moussa Bey and Umer Bey, and their followers, Challo Murad and Haso, and another Haso, and five other men whose names he did not know, entered Migherditch's room and tied up his father and brother, and extorted by violence 20 liras, and he saw them tied up when he went with some other villagers to beg Moussa Bey to set them free.

Minass said that one and a-half years ago, during the fast of the Pascalia, on a

Saturday evening at 11 o'clock, Moussa Bey and Jezay Bey and Challo Murad, and with them about fifteen other men, entered Migherditch's house and extorted 20 liras, as the other witnesses said; that he saw Carabet and Ohannes tied up, and that because of their terror none of the inhabitants of the village had gone to Migherditch's house while this was going on. Being asked how, if that was so, he had himself ventured to enter the house so as to see Carabet and Ohannes tied up to the pillars, the witness changed his story, and said that he was walking Moussa Bey's horses up and down when the villagers came to beg Moussa Bey to set free Carabet and Ohannes, and he joined these villagers, and entered the house with them.

These two witnesses, Hajji Kevork and Minass, gave no evidence about the robbery of property from the house, and contradicted each other about the alleged extortion, on which matter their evidence was not invoked by the "partie civile."

Boghos Bedinkian and Ohannes, whose evidence was invoked by the "partie civile," Migherditch, in support of the charge of extortion, could give no evidence on this matter. Ohannes said that two years and a-half ago, in the season of Kasim he was sitting in his room one night, when, about half-past 4 o'clock, he looked out and saw a crowd, and went out of his room, and saw at Migherditch's house, which is 200 adems (paces) distant, Moussa Bey, with his brother-in-law, Umer Bey, and Murad, and some others whom he did not know, boring with picks the stone wall of the house, which was an arshin thick, and hearing them say, "Be off, or we will burn you!" he ran off back to his room; and then from the distance of 200 adems he saw them in the night working for ten minutes or a quarter of an hour at this stone wall an arshin thick, till they made a hole half-a-fathom high, and then Umer Bey first, and next Murad, entered the house by the hole, and afterwards he saw them come out by the hole with the property which they had taken, Umer Bey coming out first, and then Murad, and after the two had come out, Moussa Bey came down from the roof, and then the whole party went off, and when they had gone the villagers came to Migherditch's house and looked at it; and he had nothing else to say against Moussa Bey.

Boghos Vartanian said that, two and a-half years ago, about half-past 4 on a night in October, which he could not fix, when the people in Migherditch's house were asleep, he with an Ohannes, surnamed Onan, who has been already mentioned, and two other persons, were going about the village; that they went into Migherditch's room to rest, and while sitting there he (the witness) heard the dogs barking, and saying, "What is happening in the street?" he went out with Ohannes, and saw on the roof of the house near Migherditch's room a man breaking in the roof with a club which he had in his hand; and he cried out to the man two or three times, "Who are you?" but the man did not answer, and the man then said, "Be silent, or I will burn you (or it)!" and he knew it was Moussa Bey from the voice and from the face, and then being alarmed he passed over to the other side of the road, and saw seven more men, and of these some got into the house by the roof, and afterwards came out by the hole, taking with them things from inside, and then all went off together with the things they had taken, and when they had gone he woke up the inmates of the house, and told them what had happened, and then went back to his own room, and none of his companions who were in his room with him saw the robbers.

Thus these witnesses, Ohannes and Boghos, contradict each other.

According to the communication No. 32 addressed to the Ministry of Justice by the officer of Public Prosecutor of Bitlis, and dated the 30th August, 1305, Ohannes, father of Migherditch, previously brought a complaint before the Court of Moosh, alleging that his barn and hay and other property were burnt on the night of the 16th July, 1303, but whether by Moussa Bey or by one of his relatives, Suleiman Bey, he did not know; and he failed to prove his charge against either Moussa Bey or Suleiman Bey. Now, Migherditch says he saw with his own eyes Moussa Bey set fire to the barn, hay, &c., though Migherditch was at Bitlis on the night of the fire.

The evidence thus appearing contradictory and inconsistent, it is decided, in accordance with the 123rd Article of the Code of Criminal Procedure, that the trial of Moussa Bey shall not be proceeded with.

25th of month Sefer, 1307.

Record of the Proceedings before the "Juge d'Instruction" in the case of the Charge preferred against Moussa Bey by Koumash of murdering her husband, Malkhass, miller, of the Village of Ardonk, together with the Report of the Public Prosecutor of the Court of First Instance, and the decision of the "Juge d'Instruction" on the case.

Evidence before the "Juge d'Instruction" of Koumash Aruhakian, a Woman aged 25, of the Village of Ardonk (date, 27th September, 1305).

(The evidence was given through the sworn interpreter, Bogdik Effendi, clerk in the office of the "Juge d'Instruction." Registrar of the Court, Ahmed.)

Q. What is your charge against the Kurd, Moussa Bey?—A. About two and a-half or three years ago, in the month of January, one Sunday evening about 11 o'clock, my husband was coming home from his mill, and had not yet reached the village, and was passing between some stables, when Moussa Bey, who was going by with his men, shot him and wounded him, so that he died an hour after he had reached home.

Q. Did any one see Moussa Bey shoot your husband?—A. My husband was coming home from his mill, and I do not know whether any one was with him or not; but the priests Kaspar and Timar saw Moussa Bey shoot my husband, and so did all the villagers.

Q. Where are the priests Kaspar and Timar now?—A. We came together, and they are in the house below (?).

Q. When did you come to Stamboul, and did the two priests come with you?—A. I came forty or fifty days ago with Miro and another man of Moosh, and the two priests came with us.

Q. Did you inform the authorities of the fact, that Moussa Bey had shot your husband, and was there an inquiry?—A. We were afraid to tell the authorities, and there was no inquiry. Lately a notice has come to us from the Moosh Court, but no one came to ask us questions.

Q. Did they bury your husband without any inquiry?—A. Moussa Bey called the priests and made them bury him without inquiry being held, and then Moussa Bey went away.

Q. Was Moussa Bey stopping in your village at the time?—A. Moussa Bey was stopping at Khunar, a village at an hour's distance from our village.

Q. When did Moussa Bey come to your village?—A. He came from Khunar with his men at about 11 o'clock, and having murdered my husband went away. I did not see it; I was in my house. I tell what I have heard.

Q. You said that Moussa Bey took the priests and made them bury your husband. You now say that having killed your husband, he thereupon went away to Khunar.—A. Moussa Bey spent the night in the house of one of the chief men of the village. I do not know in whose house. In the morning he sent to our house two men whom I do not know, and the two priests, and these four took my husband's corpse and buried it. Moussa Bey did not come to our house.

Q. Where was your husband wounded?—A. I do not know whether on the right or left hip-bone. The bullet hit the inside of the hip-bone and passed out on the outside, and broke the bone.

Q. Did he walk to his house?—A. Some villagers carried him on their backs, but who carried him I do not know.

Q. How far is the place where he was shot from the village?—A. About 100 adems (paces).

Q. How many men were there with Moussa Bey?—A. I was in my house. I do not know how many.

Q. What was Moussa Bey's business? What did he come to the village for?—A. Moussa Bey is always coming to our village.

Q. Had Moussa Bey a quarrel with your husband? Why did he shoot him?—A. There was no quarrel. He shot him for amusement. My husband was not one of the Chiefs, nor one of the great men of the village.

Q. Is a man shot for amusement?—A. Moussa Bey admitted at Moosh that he had shot my husband not intentionally, but by accident or mistake. He said to me, "I shot your husband by accident, not intentionally." To appease me he brought an Armenian girl, and gave her to my son to be his wife.

Q. According to your evidence, Moussa Bey when tried at Moosh said he had

killed your husband by accident?—*A.* He said, “I have my eye on you; don’t send your son.” At that time I brought no charge, and we did not go before the Moosh Court.

Q. Did Moussa Bey really kill your husband by accident?—*A.* I do not know whether it was intentionally or by accident. All I know is that the villagers brought my husband wounded to our house, and said Moussa Bey had shot him.

Q. Did Moussa Bey shoot your husband and then have him buried, and then get your son a wife?—*A.* He did it to stop me from making a charge against him.

Q. Did Moussa Bey pay attention to you afterwards?—*A.* He did not; and I do not know whether he gave my son money or not; but he got him a wife, and then went away.

Q. Where is your son now?—*A.* In our village.

Q. Is he bringing a charge against Moussa Bey?—*A.* He is; but he is stopping behind to look after the household affairs, and I have come instead.

Q. How old was your son at the time when your husband was shot?—*A.* 12 or 13.

Q. Have you an elder son?—*A.* I have no other son. I have a daughter of 3.

Q. How far is your village from Moosh?—*A.* A day’s journey.

Q. Is there not a Kaïmakam or a Mudir near Moosh?—*A.* I do not know.

Q. When Moussa Bey had shot your husband, why did you not bring the charge against him at the time?—*A.* I did not charge him then. I am now bringing the charge because I have heard that the authorities are calling for the accusers of Moussa Bey. I am far from home, and, besides my children, there is no one in my house.

Q. Is not Moosh nearer than Stamboul?—*A.* The officials at Moosh are Moussa Bey’s men; they will not listen to us; therefore I have come here.

Q. These witnesses whom you have mentioned, will they give evidence of how your husband was shot or of his wounds?—*A.* These two priests were talking together when Moussa Bey passed close by them. They then saw my husband come by, and Moussa Bey shoot him. Moussa Bey said to them, “Do not say a word.” These are the two priests who came next morning to bury my husband.

Q. Did any one else but the two priests see the deed?—*A.* All the villagers who were about saw it.

Q. Can you not tell us the names of some of them?—*A.* I was in my house, and do not know who saw it. I cannot tell you the names.

Q. Did you bring the two priests here?—*A.* I bore the expense of their coming here. I borrowed money for it.

Q. As the whole village saw it, you might have brought some other men at small expense. Why did you bring the priests?—*A.* Are the villagers to come and leave their people helpless? I have brought the priests.

Q. How did you know the priests saw the facts?—*A.* The priests said so.

Q. Was it while they were on their way to Stamboul that the priests said they could give evidence of the facts?—*A.* They said so on the day of the murder.

Q. How old was your husband?—*A.* He was a middle-aged man.

Q. Do you accuse Moussa Bey in order to have him executed, or in order to get compensation from him?—*A.* The Government knows. What have I to say to it?

Q. Will you sign your deposition?—*A.* I do not know how to write; I press my seal.

(Seal of Koumash.)

(Signed)

BAGHDIK, *Interpreter.*

HUSSEIN SEDKY, *Juge d’Instruction.*

AHMED, *Registrar.*

Evidence of Papas Kaspar Mussian, aged 40, of the Village of Ardonk, in the Sandjak of Moosh (date, 30th September, 1305).

Q. When did you come to Stamboul?—*A.* From fifty to fifty-five days ago.

Q. Why did you come?—*A.* To give evidence.

Q. Did you come at your own expense?—*A.* At Koumash’s expense.

Q. Tell us what you know?—*A.* About two and a-half years ago, in what month and on what day I cannot recollect, at about 11 o’clock in the evening, I went to the barn of the priest Timar, and asked him to pay me 5 piastres. While I was there Moussa Bey came and sat in a hollow place opposite us, at a distance of from 15 to 20 paces. He was alone, and had in his hand a gun. We said, “How is this? What game can he find?” I looked and saw three men coming from the mill. Moussa Bey fired his

gun and shot one of the men. When Moussa Bey fired the three men were at a distance of four or five minutes' walk from the hollow place where Moussa Bey was sitting. The man who was shot fell down. We said, "Is it an Armenian or a Mussulman?" Moussa Bey told us to be silent, and got up and went away. Some villagers took the wounded man, who was Malkhass, on their backs, and carried him off. He did not speak. An hour afterwards he died. The dead man was left that night in his house. Moussa Bey spent the night in the village. In the morning, Moussa Bey called me and the monk Timar and told us to bury the corpse, and to say nothing of what has happened. We said, "We must inform the authorities before burying the corpse." He said, "Say nothing; keep the matter close or I shall kill you, as I have done this man." We, being afraid, buried the man, and gave no information to the authorities. Moussa mounted his horse and went away home. Ten days afterwards he sent for Malkhass' son, and gave him an Armenian girl as a wife, and Moussa came with them to our village, and had them married there. The authorities were afterwards informed of this. We do not know what happened next, but Malkhass' son did not go to give information to the authorities.

Inclosure 3 in No. 35.

Continuation of Declaration on Oath of the Priest, Gaspar Mousassian, of Village of Ardonk, in Sandjak of Moosh, 40 years of age, and residing in Vezir Han when called upon to give Evidence.

Q. Why didn't you report the matter to the authorities?—A. Moussa said, "I'll kill you also;" that's why I didn't give information.

Q. Don't you know that it is forbidden to bury the body of a murdered man without giving notice to the authorities, and having an investigation?—A. Moussa Bey told us to hush up the matter. It was owing to our fears that we buried the body without giving notice and having the matter examined.

Q. Was there any kind of enmity, or ill-feeling, or personal spite between Moussa Bey and Malkhass?—A. I can't say there was.

Q. You didn't ask Moussa Bey why he shot Malkhass?—A. No.

Q. Does Moussa Bey shoot any one just as he likes?—A. I don't know, but this is what we saw.

Q. Did Moussa Bey shoot any one else from your village?—A. No.

Q. But we want to know his reason for shooting this man; you are of same village, and must know?—A. I don't know; I only state what I saw.

Q. But the Government wants to know because no notice was given, and the matter not looked into?—A. I only know what I say—nothing else. If I knew it I'd say it. I don't know.

Q. Was it threshing-time when Malkhass was killed?—A. It was winter.

Q. You say that the priest, Demetre, was in the barn that day?—A. I went to his house. "He is in the barn," they said. The barn was near his house, so I went, found him, and asked him for 5 piastres. This affair occurred then; he remained, and did not give me the money.

Q. What was the priest, Demetre, doing in the barn during winter?—A. I don't know. They said he was in the barn. I went there and found him.

Q. Was it to get a debt he owed you?—A. No; I wanted to borrow it.

Q. Who told the villagers that Malkhass had been shot?—A. They were on their roofs. They saw the affair, and went and took away the body.

Q. Do you remain on the roofs during winter?—A. During winter no one goes out; only sometimes people go on the roof to sweep the snow away.

Q. Was there snow the winter you speak of?—A. It was winter, but I don't know if there was snow or not.

Q. In your country, is there any part of winter without snow?—A. We have snow always during winter, but people go on the roofs to sweep it off.

Q. The night Malkhass was shot, in whose house did Moussa Bey stop?—A. I don't know; he sent for us from Malkhass' house. Whether he stopped there or not I can't say.

Q. Do you know of any other misdeeds of Moussa Bey?—A. No.

Q. Sign this statement.—A. I sign.

(Signed)

HUSSEIN SEDKY, *Juge d'Instruction*,
AHMET, *Clerk*.

(Signature in Armenian.)

Statement of Priest, Demetre Khalefatian, who, when summoned to give Evidence, gave himself out as of the Village of Ardonk, in Sandjak of Moosh, 34 or 35 years of age, and now residing in Vezir Han.

Q. When did you come to Constantinople?—A. About the 15th August.

Q. Why did you come?—A. To give evidence.

Q. At your own expense?—A. At expense of wife of Malkhass.

Q. What do you know?—A. Some two years and eight months ago, about 11 o'clock on a Sunday evening, I was in a barn in front of my house, when the priest, Gaspar, came and wanted to borrow 5 piastres from me. While we were talking Moussa Bey came along alone, passed us, and got down into a ditch behind the shed. He carried a gun over his shoulder. The ditch was about 5 paces from us. I got up and went to look. He aimed the gun in the direction of the mill, and Malkhass was coming from that direction. He fired the gun, and Malkhass was wounded. I said to myself, "I wonder if the wounded man is an Armenian or a Turk?" Moussa Bey told us to say nothing about it. Neither did we. He then went to our village. The villagers were all on their roofs. They came, picked up Malkhass, and carried him home. An hour after he died. The body remained in the house that night. Moussa Bey stopped at the house of Mardiros, and in the morning summoned us to his house. "Remove this corpse," he said. I replied, "I won't remove it till I give notice to the authorities." "If you don't I will kill you," he replied. We became afraid, and buried it. We then went home. We had scarcely arrived when Moussa Bey again sent for us. He also sent for the son of Malkhass and said to him, "If you make any complaint you will regret it." "I won't complain," said the son, "If you don't complain," said Moussa Bey, "I'll be a friend to you." He got up and went home. Ten days after he summoned Malkhass' son again to his own house, and gave him an Armenian girl. They came to our village, got married, and went off to Moussa Bey's village. A few days after the authorities heard of the matter and sent for Malkhass' son; Moussa Bey, taking the son with him, went to Moosh. I don't know what happened after that.

Q. Was Malkhass alone when coming from the mill?—A. There were three other persons with him. But, as it was foggy and they were about 200 or 250 yards off, we could not recognize them.

Q. Where did these men go when Malkhass was shot?—A. They came to the village.

Q. Was Moussa Bey on horseback or on foot?—A. About an hour before the occurrence he came to the village and tied his horse up at the house of Mardiros. When he passed us he was on foot.

Q. Where was Malkhass wounded?—A. The bullet entered the inside of the right thigh and out on the outside.

Q. Is Moussa Bey's village near yours?—A. About an hour's distance.

Q. Is your house in the village?—A. On the outskirts of it.

Q. What were you doing in the barn during winter?—A. The shed is near the barn. I went to take out some hay and straw.

Q. Was not the priest, Gaspar, with you in the barn?—A. Yes.

Q. You say he asked you for money. Did you give it?—A. I had no money about me in the barn; when I went home I gave it to him.

Q. How long after?—A. After Malkhass was shot we went home, and I gave him the money.

Q. You say the people were on the roofs that day. Was it not winter?—A. Even during winter we go on the roofs, and sit there amusing ourselves.

Q. Was there not snow?—A. We sweep it off, and don't let it lie on the roofs.

Q. Why did Moussa Bey shoot Malkhass? What was the reason?—A. I don't know.

Q. When he was shot he ought not to have been buried before being examined. The law lays down a penalty for those who bury the body of a murdered man without such examination?—A. We didn't give notice; we were afraid. The punishment of the law is temporary. Moussa Bey's punishment is death.

Q. Did Moussa Bey kill any one else from your village?—A. I don't know.

Q. Do you know of any other crime of his?—A. No.

Q. To kill a man there must be some cause. Was there any ill-feeling?—A. I don't know of any motive for it.

Q. At any rate, you could have secretly informed the Government.—A. That's not my affair. That's the duty of the heirs of the murdered man.

Q. Sign this declaration.—A. I sign.

(Signature in Armenian.)

(Signed)

HUSSEIN SEDKY, *Juge d'Instruction*.
AHMET, *Clerk*.

Second Statement of Gaspar on 30th September, 1305.

Q. In the Statement you made lately, you said you saw two men with Malkhass when he was shot. Who were they?—A. I don't know.

Q. When he was shot where did these men go?—A. They came to the village, but I don't know who they were.

Q. Was Moussa Bey on horseback or on foot?—A. He was on foot when he shot Malkhass.

Q. What's the distance between your village and the village of Moussa Bey?—A. About three-quarters of an hour or an hour.

Q. Did Moussa Bey come on horseback to your village?—A. According to what I heard, about two hours before the affair, he came with fifteen or twenty horsemen, he being also mounted.

Q. Where was Malkhass wounded?—A. He was wounded in the thigh, but I don't remember in which thigh, or where the bullet entered, or where it came out.

Q. You stated you asked the priest, Demetre, for 5 piastres; you said you did not get it owing to this event. Did you get it afterwards?—A. I don't remember.

Q. Sign this statement.—A. I sign.

(Signature in Armenian.)

(Signed)

HUSSEIN SEDKY, *Juge d'Instruction*.
AHMET, *Clerk*.

Interrogatory and Declaration of Defendant, Moussa Bey, given on 2nd October, 1305.

Q. What is your name, your father's name, country, and occupation?—A. My name is Moussa Bey. My father's name, Mirza Bey. I come from village of Jinyar, in Sandjak of Moosh. I was born there. I am 30 or 35 years of age. I was Mudir for a time, and live by farming taxes. I am married; have three wives, two sons, and two daughters, five farms, and a house.

Q. Is Ardonk near your village?—A. A couple of hours' distance.

Q. Do you often go to the village?—A. Yes.

Q. In this village there was a man named Malkhass. Do you know him?—A. No; I don't know him.

Q. You must know him, for you married his son?—A. I don't know his father. I never saw him. His son married a girl from our village. I was at the marriage.

Q. It was you gave the girl, and got the son of Malkhass married?—A. The girl's father came to me, saying, "Such a youth wants to marry my daughter. Shall I give her?" "If it seems a good match, give her," I replied. The marriage took place. I was present, as it is a custom of ours. If we have a marriage, they come; if they have one, we are present.

Q. You are charged with shooting Malkhass, the father of this young man, a few days before the marriage?—A. No; I did not shoot him.

Q. According to depositions made, you shot him when returning from the mill with a couple of comrades?—A. If such were the case, the authorities would have heard of it and prosecuted me. No such thing ever took place.

Q. Who killed Malkhass?—A. He died a natural death. A year after some Armenians who disliked me went to the authorities and said I killed Malkhass. Thereupon the judicial authorities summoned to Moosh Malkhass' brother, the priest, and Malkhass' son. They were asked about the matter, and declared no such thing ever took place, and that Malkhass died a natural death.

Q. The priests, Gaspar and Demetre, assert that Malkhass was shot by a bullet by you?—A. The priest, Gaspar, is a cousin of Malkhass'; Demetre is also a cousin of Ohannes, father of Migherditch, of Ardonk, who brought an action against me.

Q. If no such thing ever took place, i.e., if you never shot Malkhass, would they give such evidence?—A. Ohannes, father of Migherditch, is the steward of Ardonk.

They make these charges at the instigation of Ohannes and another prosecutor of me, Bozun.

Q. Did the priest, the brother of Malkhass, go to Moosh?—The Government of Moosh heard of matter, summoned these people, and took their statements. If I shot Malkhass, is it possible that out of a village of thirty or forty houses only these priests should have seen it?

Q. Sign this statement?—A. I sign.

MOUSSA SUBHI.

(Signed) HUSSEIN SEDKY, *Juge d'Instruction*.
AHMET, *Clerk*.

Second Declaration of Gaspar, taken 4th October, 1305.

Q. Is there any brother of the deceased Malkhass?—A. No.

Q. According to Moussa Bey there was a priest, the brother of Malkhass?—

A. There is a priest called Gabriel, a relative of Malkhass.

Q. Are you related to Malkhass?—A. No.

Q. Where is Gabriel?—A. In his village.

Q. Moussa Bey states that you are the cousin of Malkhass?—A. I am no relation of his.

Q. You stated that the day following the murder of Malkhass, Moussa Bey called you to house of Malkhass, and made you bury the body, whereas the priest, Demetre, says Moussa Bey sent for you to house of Migherditch?—A. No. Moussa Bey sent for us to Malkhass' house, not Migherditch's.

Q. The priest, Demetre, says that Moussa Bey spent that night in Migherditch's house, and in the morning summoned you there?—A. I don't know where Moussa Bey spent the night. In the morning he summoned us to Malkhass' house.

Q. Moussa Bey says that a year after the event, owing to some ill-feeling against him, false reports reached the Government, whereupon the authorities summoned Malkhass' son and the priest you speak of, asked them if Malkhass had been killed by Moussa Bey. They said he had not, but had died a natural death?—A. There is no information from them. I am only giving my own evidence.

Q. Do you know of any other crimes of Moussa Bey besides this?—A. No.

Q.—Do you know of his having killed any man, or seized the goods, oxen, or other property of any one in the village?—A. I don't know.

Q. Sign this statement?—A. I sign.

(Signature in Armenian.)

(Signed) HUSSEIN SEDKY, *Juge d'Instruction*.
AHMET, *Clerk*.

Second Statement of the Priest, Demetre, 4th October, 1305.

Q. Is there any brother of the deceased Malkhass?—A. No; none.

Q. According to Moussa Bey, Malkhass had a brother, a priest?—A. He had a relative a priest called Gabriel, but I think he is not his brother; I'm not quite sure.

Q. You are not related to Malkhass?—A. No.

Q. Is priest Gaspar related to Malkhass?—A. No.

Q. Are you related to the stone-cutter, Migherditch, or the priest, Ohannes?—A. No; I am not related to Ohannes.

Q. Gaspar states that the day after Malkhass' death Moussa Bey summoned you to Malkhass' house, and ordered you to bury the body, while you say he summoned you from Migherditch's house; there is some contradiction?—A. Moussa Bey spent that night in Migherditch's house, and it was there he summoned us in the morning; then taking us, he brought us to Malkhass' house.

Q. Moussa Bey says that a year after Malkhass' death, owing to some ill-feeling against him, false information was given to the authorities, whereupon they summoned Malkhass' son and a priest, a relative of Malkhass. On being questioned as to whether Malkhass had been killed by Moussa, they declared that he had not, but had died a natural death?—A. It wasn't a year after Malkhass' death, but a few days after, that the authorities heard of the matter and summoned the son of Malkhass. Moussa Bey went along with him, but what statements they made I don't know.

Q. I wonder did the son say his father had died a natural death?—A. I have not heard, and don't know what statements they made.

Q. Besides the events you relate, did Moussa Bey commit any other crime? Did he kill any one of your village, or seize their property?—A. I make this statement, and know of no other.

Q. Sign this statement.—A. I sign.

(Signature in Armenian.)

(Signed)

HUSSEIN SEDKY, *Juge d'Instruction*.
AHMET, *Clerk*.

Copy of the Report.

Owing to a complaint by the woman, Koumash Benet Ouruh, of village of Ardonk, that Moussa Bey had wounded and killed her husband, Malkhass Arsbanian, of the same village, an examination has taken place of the detailed interrogatory containing the investigations which, on a previous demand, were instituted concerning the defendant, the Kurd, Moussa Bey.

As a perusal of these documents will show, the defendant pleads not guilty, while Koumash declares that she brought her action against Moussa Bey without having seen whether her husband was wounded accidentally or designedly; merely asserts that they brought her husband home wounded, and said that Moussa Bey had wounded him; that he died of his wounds, and was buried without notice to the authorities or any investigation taking place; while the witnesses, Gaspar and Demetre, depose on oath that they saw this man Malkhass, while coming to the village from the mill, shot and killed by a bullet from a gun fired by Moussa Bey; and, thus, while in the statements of these witnesses there are contradictions and discrepancies in the record of the interrogatory to be found among the documents coming from the province, according to the signed and duly received declarations of Malkhass' son, and the priest, Gabriel, a relative of the deceased, it appears that Malkhass was not wounded and killed, but died a natural death. Though the depositions made cannot be regarded as trustworthy or reliable testimony, yet, as the consideration of this side of the question rests with the higher Court, and as the crime imputed is one coming under the 170th clause of the Criminal Code, with a view to having the proper course followed in the higher Court, it is demanded that, in accordance with the 128th clause of the Criminal Code, a decision on the matter should be formally drawn up.

Proctor-General of the "Cour de Mise en Accusation" at Constantinople.

23rd Reby-ul-Ewel, 1307 (6th October, 1305).

Decision of Juge d'Instruction.

This complaint has been examined into on the summons of the Public Prosecutor of Constantinople in reference to the wounding and murder by the Kurd, Moussa Bey, of a miller living at Ardonk, in Sandjak of Moosh; a complaint presented on the 20th September, 1305, and signed by the murdered man's wife, Koumash, of village of Ardonk, now living in Millet Han, has been forwarded to the Court of Preliminary Inquiry.

As appears on perusal, this complaint consists of statement that some thirty months ago, one day towards evening, about 11 o'clock, Moussa Bey came to village of Ardonk, fired at and shot Malkhass as he was coming from his mill; that Gaspar and Pemar, two priests of the village, and who had knowledge of the affair, had come to Constantinople to appear as witnesses. They had been summoned, the necessary investigation gone through, and this was their complaint. The complainant, the woman Koumash, had come to the Court of Preliminary Inquiry on the 28th September, 1305, and when, with Baghdik Effendi acting as interpreter, she was asked the date and nature of the affair, deposed as follows:—That about two and a-half years ago, towards 11 o'clock of a Sunday evening in end of January, when her husband was coming from mill, and Moussa with some horsemen was passing near the stables, Moussa Bey shot and wounded her husband, who died an hour after reaching home; that she did not know who were the men with her husband when coming from the mill, or who or what were the villagers who carried him home on their backs; that she did not see Moussa Bey wounded, but merely stated what she heard; that the priests, Gaspar and Demetre, and all the villagers, whose names she did not know, had seen the affair;

that the following day Moussa Bey, sending the two priests with two persons whom she did not know, made them bury the body; that Moussa Bey had not come to their houses; that, though the bullet fired by Moussa Bey had entered the thigh of the deceased on the inside and came out on the outside, she could not say whether it was the right or left thigh that was struck; that while, owing to their not having given notice to authorities on account of their fears, no examination of deceased had taken place. Moussa Bey acknowledged that he had wounded the dead man, accidentally however, and not purposely, and had even said, "I did not wish to wound your husband; it was an accident;" that to please her he had given an Armenian girl of his village to her son, and got them married; and finally, that there was no enmity between her husband and Moussa Bey.

Moussa Bey, being also summoned and examined, deposed that he was son of Mirza Bey, of Jinyar Village, in Sandjak of Moosh, and, denying absolutely having wounded and killed Malkhass, said that he had understood him to have died a natural death; that the priest, Gaspar, was cousin to the deceased, while Demetre was cousin to Ohannes, the father of Migherditch, of Ardank, and one of those who had brought an action against him; that, as it was a custom when they (Turks) had a marriage to invite the villagers, and when villagers had a marriage to invite them, he was present at the marriage of Malkhass' son, on the invitation of the bride's father.

The priests, Gaspar and Demetre, were also summoned and examined, and their deposition on oath taken. Gaspar deposed that, some two and a-half years ago—he couldn't remember month or day—about 11 o'clock, he went to the barn of Demetre and asked him for 5 piastres, which he wanted. They saw Moussa Bey alone, and with a gun in his hand, lie in a ditch about 15 or 20 paces off. While they were wondering what he was going to shoot, they saw three men coming from a mill, which was about five minutes' distance. The bullet from the gun fired by Moussa Bey struck one of the men, and he fell wounded. As they were wondering whether it was an Armenian or Turk, Moussa Bey said, "Say nothing about it," and, getting up, he went away. Then the villagers, who were on the roofs and saw the affair, taking Malkhass on their backs, brought him home. The wounded man died an hour afterwards. This prevented Gaspar getting his 5 piastres from Demetre, and he couldn't remember whether he got it afterwards. He also didn't know in whose house Moussa Bey stayed that night, though he stopped in the village.

The following morning Moussa Bey summoned him and priest Demetre to Malkhass' house, and told them to remove the body, threatening them, if they did not, to kill them also; that in consequence, taking the body, they buried it without giving notice to authorities or the examination taking place. Then, about ten days after the burial, Moussa Bey going to his house, called the son of Malkhass, and, giving him an Armenian girl, they came to the village and got married. Afterwards, when the authorities heard of the matter, they sent for the son of Malkhass; but Moussa Bey took him away, and did not go near the authorities. Gaspar said he did not know the men who were near the murdered man when coming from the mill, as also that he could not remember in which thigh Malkhass was wounded, where the bullet entered, and where it came out, that he was no relation to Malkhass, and, though it was winter, said he was in the barn of the priest Demetre.

The priest Demetre deposed that some two years and eight months ago, on a Sunday evening in the month of February, about 11 o'clock, when he was in his barn in front of his house, Gaspar came and asked him for loan of 5 piastres. While they were talking over it Moussa Bey, alone, and with a gun on his shoulder, came up, passed, and got down into a ditch behind the shed and about five paces from where they were standing. He (Demetre) went near him, and saw Moussa Bey hold his gun in direction of the mill, while Malkhass was coming from that side. Moussa fired, and Malkhass was wounded. As he was asking himself whether the wounded man was an Armenian or Turk, Moussa, making signs with his hand, told him to keep quiet; then getting up, he went to the village. The villagers, who were all on their roofs and saw Malkhass wounded, came and carried him home. An hour after Malkhass died. That night Moussa Bey slept in the village in house of Mardiros, and in the morning, summoning them to Mardiros' house, threatened them, and made them bury the body.

After the burial, Moussa again summoned them and Malkhass' son to Mardiros' house, and said to the youth, "If you make any complaint, you will regret it." The son, frightened, said he would make no complaint. Then Moussa said, "If you don't complain, I will be your friend." Then he went home. About ten days after he called Malkhass' son to his house, and gave him an Armenian girl. They, coming to

the village, got married. Some days after the authorities heard about it, and summoned Malkhass' son, but Moussa took him off to Moosh. Demetre said also that, though there were some persons with Malkhass when coming from the mill, he could not recognize them as it was foggy, and they were about 150 or 200 paces off; that the bullet had penetrated on the inner side of the right thigh and come out on the outside; that he was in the barn, because he wanted to take straw from a shed which was near; that, as he had no money about him in the barn, he had not given any to Gaspar, but that they afterwards went home, and he gave the 5 piastres; that he did not know any cause for the crime.

As a result of a discussion which took place on the 5th October, 1305, it was shown to the Proctor-General of the Court of Preliminary Inquiry that it was necessary to send for documents containing an account of the investigations carried on in the province. Accordingly these documents, consisting of an "information," a Petition, and two interrogatories, arrived on the 26th October, and were handed over to the Court of Inquiry. On examination, the purport of the "information," dated the 19th February, 1302, and signed by priest Gabriel, and Usseb, son of Malkhass, goes to say that Malkhass, who was 60 years of age, had been wounded in the right thigh ten days before, that no report of a gun had been heard, and that a rumour was among the people that he had been struck by a thunderbolt.

In the depositions taken from Gabriel and Usseb in the province, the latter stated that when his father was coming from the mill, and behind him were a band of Marauk Kurds and Moussa Bey's servants were on the roof, a bullet coming from some direction or other wounded his father in the foot; that as he did not die from the effects of that wound, no notice had been given to the authorities for an examination; that on news received from them, Moussa Bey sent some people to find the wounded man, but could not find out who he was; that Gabriel was the cousin of the deceased, and if there were any signs of his being wounded in the right foot, it was not enough to cause his death; that as his heirs gave out that he had died of illness, he himself had buried the body; and they stated that it was not known by whom he was wounded. So, too, Usseb, in a complaint lodged with the Proctor-General of Moosh on the 17th March, 1304, and in subsequent statement made by him to the Juge d'Instruction of Moosh, declared that he had heard that the charge of murdering his father had been got up by some persons who had an ill-feeling towards Moussa, whereas his father, after being ill in bed for some ten days, died a natural death; that Moussa Bey had nothing whatsoever to do with it; that he himself, though urged on by some Armenians to prefer a charge against Moussa, had refused to mix himself up in such calumnies.

From the above details it will appear that, while the priests, Gaspar and Demetre, stated that Moussa Bey was alone when he killed and wounded Malkhass, the complainant, Koumash, had stated that her husband had been wounded when he was coming from the mill, and Moussa with some men were passing between the stables, and had made statements that hinted at his being wounded by accident or mistake. Now, these statements are contradictory. And again, when they stated that at the time of the wounding there were two or three comrades with him; that the wounded man was taken up and carried home by the villagers, who were on the roofs and saw the events, if these statements were true.

(To be continued.)

No. 36.

Sir W. White to the Marquis of Salisbury.—(Received December 27.)

My Lord,

Constantinople, December 17, 1889.

IT may be useful and convenient to your Lordship to have in a few words what I consider to be the irregularities which took place during the course of the investigation into the charges against Moussa Bey and during his trial.

They can be divided into three heads. The first, which is of the least importance, is that during the "Instruction" reports were frequently brought to me that, whilst Moussa Bey was most courteously treated, and received rather as a distinguished guest than as a man accused of the gravest crimes, the Armenian prosecutors and witnesses were treated with contumely, and advantage was taken of their inadequate education and native simplicity to confuse and browbeat them. Unofficially, I made repeated representations to the Ministry of Justice on this point, but the complaints were always denied. The unwillingness, however, of the "Juge d'Instruction" to

commit Moussa for trial was clearly proved by the fact, that in the five cases which may be considered now to have been disposed of he gave an "Ordonnance de Non-Lieu," and it was only on appeal being made by the prosecutors' lawyers in three cases that this decision was reversed in two of them, which were set down for trial.

The second point is, that after Moussa was committed he should, according to all precedent (though, according to a new theory of the Ministry of Justice, this is not necessary, even in criminal cases), have been under arrest. In reply to my unofficial representations, I always received a reply that he was under arrest; but, as a matter of fact, this arrest was illusory, and Moussa's comparative liberty until after the second day of the trial, which fact was no doubt publicly known, probably had a disheartening effect on the plaintiffs, their lawyers, and their witnesses.

The third and most striking point is the position taken up by the Public Prosecutor. Suffice it to say, that the position taken up by him savoured rather of that of a lawyer for the defence than of a prosecutor on behalf of the Government, and it is generally considered as unprecedented in the judicial annals of this country.

I have, &c.

(Signed) W. A. WHITE.

No. 37.

Sir W. White to the Marquis of Salisbury.—(Received December 27.)

My Lord,

Constantinople, December 20, 1889.

I HAVE the honour to inclose herewith a translation of an article which has appeared in an influential, though unofficial, Turkish local paper, the "Terjuman-i-Hakikat," on the subject of the recent trial of Moussa Bey. The article, which is evidently ironical, alludes in a somewhat sarcastic manner to the presence of British Dragomans at the trial, and to the interest taken by Her Majesty's Embassy in it, an interest which the writer evidently considers to go beyond the province of Her Majesty's Embassy. This article appears to me to form part of a series of attempts which are being made to prejudice Her Majesty's Embassy and Government in the eyes of the Turkish people, in attributing to us a desire to raise on the question of the trial the whole of the Armenian question, and to which attempts I alluded in my above-mentioned despatch.

I have, &c.

(Signed) W. A. WHITE.

Inclosure in No. 37.

Extract from the "Terjuman-i-Hakikat" of December 6 (18), 1889.

(Translation.)

ACCORDING to information which we have just received on the subject, the Dragomans of the British Embassy have been employed during the last few days in making a fresh translation of the Reports of the proceedings of Moussa Bey's trial.

Although a translation in the form of a précis had previously been prepared and forwarded by the above-mentioned Drogmanat, many Government functionaries and private persons having discovered in most of the articles published in London that this question had a political colouring, expressed the wish to have set before them a literal translation.

For this reason, therefore, the gentlemen of the British Drogmanat are now engaged in making a fresh translation.

We have also been informed that amongst the papers which had published the Reports of this trial, the account given by the "Terjuman-i-Hakikat" was the one which was found both complete and accurate. We have therefore to express our satisfaction, but as it is to the kindness and ability of two gentlemen attached to the Ministry of Justice that we are indebted in this matter, we hasten to express to them our most particular thanks.

However, we derive even greater satisfaction from the fact that the Government of Her Britannic Majesty, on ascertaining the importance of this trial, has desired to be put in possession of a careful translation.

Moreover, as we have said previously in one of our articles, the facts with which

Moussa Bey was charged were only offences at common law, but certain people who endeavour to mislead public opinion have importuned the whole of Europe, and England in particular, by wishing to give a political complexion to this affair.

From the outset, we have stated that in the event of Moussa Bey being condemned, the punishment inflicted could only be one directed against an offence at common law, and that if, on the other hand, he succeeded in establishing his innocence, all the charges brought against him would be declared false.

The sittings of the Court were conducted in so public a manner that the hall could not contain all the spectators who overflowed into the passages. Amongst those who were taking notes on the proceedings were the Dragomans of the Embassies and the correspondents of the foreign newspapers.

The investigation into the charges was conducted in a manner thoroughly in conformity with the "Code d'Instruction Criminelle," and the verdict acquitting Moussa Bey was based on the contradictory statements of the witnesses, and the glaring proofs of the false nature of the evidence of most of these witnesses. Even had English Judges, whose impartiality is known all over the world, been present, they would clearly have declared Moussa Bey innocent. We use the word "clearly," for our contention will be proved by the literal translation now being made by the gentlemen of the British Drogmanat, and the attitude adopted by the British Government in this affair is very praiseworthy.

No. 38.

Sir W. White to the Marquis of Salisbury.—(Received December 27.)

My Lord,

Constantinople, December 23, 1889.

WITH reference to my despatch of the 20th instant, I have the honour to transmit herewith a translation of an article from the "Tarik" on the subject of the trial of Moussa Bey.

The gist of the article is, as your Lordship will perceive, the assertion that so long as the proceedings have been in conformity with law, *i.e.*, formally legal, the political aspect or interest attaching to the matter is beside the question; but the allusions to the presence of Embassy officials and to the reports alleged to have been sent home by Her Majesty's Embassy are evidently conceived in the same spirit as those to which I have already called your Lordship's attention from the "Hakikat."

I have, &c.

(Signed) W. A. WHITE.

Inclosure in No. 38.

Extract from the "Tarik" of December 20, 1889.

(Translation.)

ALTHOUGH it is not all in accord with our views that matters connected with the administration of justice should be mentioned in leaders on political matters, yet as our contemporary, the "Terjuman-i-Hakikat" has deemed fit, with the object, indeed, of divesting it of a political character, to review the trial of Moussa Bey from a political point of view, and as the fact that the Turkish newspapers have discussed this matter as a political matter will open a new door to those who desire to give the case a political colour, therefore we also have considered it fitting to make a few remarks.

The point which concerns a newspaper, according to our opinion, is not the fact that Moussa Bey has been acquitted or condemned, but whether the judicial institutions of the country have done their duty, or have neglected something in the doing of it; yet, at the same time, though there is nothing to say against that, there is no need, so far as we see, to enter into detailed examination of the proceedings.

As the performance of their duties regularly by the constituted authorities is sufficient to purify the reputation of the country from the stain of every kind of crime and rascality, even if Moussa Bey had been condemned, in our opinion there could have been no political effect whatever.

Once that we observe that the law has been perfectly complied with, we can attach no importance at all to the Court-room being full, or the reverse, or to the presence or absence of Embassy officials and newspaper correspondents among the audience. We consider that such information should properly come as the introduction and heading to the report of our judicial reporters, and is rather of the character of adorning phrases, just as in newspapers which give information concerning trials in

European Courts there are such phrases as: "The ladies' bench was crammed with ladies, and the toilette of one or two high-born dames attracted the attention of young men of fashion."

In all civilized countries all kinds of unjust acts and horrible crimes take place, and, as we showed above, the fact of the judicial authorities doing their duty is a sufficient moral and material remedy for the same, and must we, therefore, fill the political columns of our political journals because certain frivolous talkers give a political colour to such matters?

Of a truth, although we learn from our contemporary, the "Terjuman-i-Hakikat," that the English Embassy is working at a literal translation of the Reports of this trial, yet we need not attach any importance to this fact, for sometimes the Embassies are occupied in doing very unimportant work, and advantage is taken of such things to occupy young Secretaries, who are appointed as pupils; hence there is no need at all to wonder at the news, if true, that a literal translation of an important trial is being made.

Constantinople, December 23, 1889.

No. 39.

Sir W. White to the Marquis of Salisbury.—(Received January 10.)

My Lord,

Constantinople, January 3, 1890.

I HAVE the honour to transmit herewith translations of five numbers of the Turkish newspaper "Jeride-i-Mehakim," which have just been published, giving a full account of the trial of Moussa Bey.

The paper is really an official one, although a statement is made at the commencement of each number to the effect that the account is unofficial.

I have, &c.

(Signed) W. A. WHITE.

Inclosure in No. 39.

Continuation of the "Juge d'Instruction's" Decision in the Charge brought against Moussa Bey of murdering Malkhass, a miller.

Extract from the "Jeride-i-Mehakim" of December 5, 1889.

(Translation.)

AS they would know the people who were near and on the roofs, they would necessarily have given the names and addresses of these latter, in order that they, too, should be examined, but they were unable to give their names. The point, too, they fixed on from which to see the incident, and the reason of the interview, are suspicious.

Further, the priest Gaspar says they saw Moussa fire his gun from a distance of 15 or 20 paces, and that he could not get the 5 piastres he demanded from the priest Demetri when the thing happened, and that on the following day Moussa summoned them to the house of the murdered man, Malkhass, and that Moussa went to his house after the burial of the corpse; while the priest Demetri states that Moussa was 5 paces distant from them, and that he himself went up and saw Moussa fire his gun, and that after Malkhass was wounded he himself went with Gaspar to his house and gave him the 5 piastres, that Moussa the next day summoned them to the house of Mardiros, and after the funeral again summoned him himself with the priest Gaspar and the son of the deceased to the same house, and gave several orders to the son of the dead man.

Gaspar contradicts this statement that they were summoned by Moussa to the house of Mardiros, and altogether they differ from one another.

No reason has been shown why Malkhass should have been killed by Moussa, and even if there were a motive, as both Gaspar and Demetri agree that they could not recognize Malkhass and those with him on account of the distance, it is improbable that Moussa should have identified him, picked him out from his companions and shot him. Besides, Usb, the son of the dead man himself, has all along declared that

Moussa sent out men on purpose to search for the man who wounded his father; that Malkhass did not die in consequence of the wound, but died a natural death after lying ill for fourteen days; that Moussa had no hand in this; and that, though he himself had been encouraged by a lot of Armenians to bring a complaint, he feared God, and was not going to slander Moussa Bey. If the wound had been inflicted by Moussa, and if the deceased had died in consequence of it, his heirs would have informed the authorities and prosecuted him, but no action was brought by any heir till the plaintiff Kumash and the other plaintiffs against Moussa came to Constantinople, and a rumour spread to the effect that actions had been brought is understood from local information to have been contradicted by the heirs. All accounts agree, too, that no inquest was held on the deceased.

For all these reasons, the evidence of Gaspar and Demetri, which is shaken by many circumstances, cannot be considered trustworthy; and as legal proofs of the crime are wanting, the case against Moussa Bey is dismissed according to Article 123 of the Provisional Criminal Procedure Code.

25 *Rebi-ul-Ewel*, 1307 (November 7, 1305).

We have published word for word in our paper the decisions of the "Juge d'Instruction," together with the *procès-verbaux* in the five charges brought against Moussa Bey which have been already investigated. Of these decisions, those with regard to the charges of setting fire to the hay, barn, and threshing-floor of Ohannes, of the village of Ardank, of making a hole one night in the wall of a house and stealing property from inside, of robbing 20 liras one evening with violence, and of wounding and killing a miller, Malkhass, of the village of Ardonk, dismissed the case against Moussa.

These decisions were objected to by the Public Prosecutor of the Courts of First Instance and Appeal at Constantinople, and were examined and annulled. Moussa Bey being accused of arson and murder the case has been intrusted to the Criminal Court, which keeps a journal of the proceedings, which we propose to publish word for word.

First Sitting.

The Report drawn up by the "Chambre des Mises en Accusation," dated the 31st October, 1305, and numbered 359, with regard to the charges against the Kurd, Moussa Bey (which are again enumerated), and the indictment of the Public Prosecutor by the Court of Appeal, bearing the same date and No. 5157, with the papers connected with it, were laid before the Criminal Court on the 2nd November, 1305, and according to Articles 248 and 249 of the Code of Criminal Procedure, Moussa was summoned to appear on the 4th November and choose a representative to defend him. He appointed Izzet Effendi, and appealed to Article 251 of the said Code, demanding that the charge be dismissed. The time fixed for the dismissal of the charge having elapsed, Saturday, the 11th of the said month, was fixed for the commencement of the trial.

On that day, according to Article 263, the accused (Moussa) was brought into Court accompanied by his counsel, Izzet Effendi and Mohammed Ali Effendi, who had been joined with him for the defence. Khalid Bey, Public Prosecutor of the Court of Appeal, who was also present, just as the trial was about to commence raised an objection to the plaintiffs, Migherditch and Kumash, declaring that before the trial commenced both they and their counsel (Tinghir Simon Effendi) must establish their right to appear. It was the father of Migherditch (Ohannes) who was the owner of the stacks and other property said to have been burnt, and the right of action was confined to him. Migherditch had not even presented a formal complaint, and he had signed the plea he put in, objecting to the "Juge d'Instruction's" decision, as an informer and not as plaintiff, on which account the "Chambre des Mises en Accusation" had, at the Speaker's instance, rejected the said plea. As for the woman Kumash, the man said to be murdered by Moussa, the papers concerning whom had been intrusted to the Court two days before, was her husband, but the annulment period allowed by law in her case not having expired the trial could not take place to-day, and her presence was not required in any other case to be tried to-day.

Simon Effendi replied that, even supposing Migherditch had taken no steps hitherto, now he was acting in his own name, and, as he considered himself an injured man, his right to appear remained to be decided by the investigation and the trial. The rejection of his plea by the "Chambre des Mises en Accusation" could not affect his right to appear as plaintiff.

As for himself, he had been appointed both by Migherditch and the woman Kumash as their representative, and also expected to-day a reply to a telegram sent to Ohannes, who had remained at home, with regard to his sending a power of attorney.

After deliberation it was decided, in accordance with the views of the Public Prosecutor, that Migherditch having presented no Petition, and his plea objecting to the "Juge d'Instruction's" decision having been rejected as bearing the signature of an informer only, and his father, Ohannes, being the injured party, he had no individual right to appear as plaintiff, and that Simon Effendi had no right to appear until he should have received a power of attorney from Ohannes.

It was also decided that the case of the murder of Malkhass could not be heard that day, the annulment period not having expired.

Thereupon the accused, Moussa Bey, was questioned by the President, and said he came from Moush, was 31 years old, and had formerly served the Government in his country.

He and his two counsel were then reminded of Articles 264 and 265 of the Code, and the indictment and Report of the "Chambre des Mises en Accusation" were read by the reporting clerk, Azmi Bey.

This Report was to the effect that contradictions and discrepancies having occurred in the evidence given before the "Juge d'Instruction" during the investigations conducted on account of the charges brought against the Kurd Moussa, the "Juge d'Instruction" had dismissed the cases. This decision was objected to by the Public Prosecutors of the Courts of First Instance and of Appeal and by Migherditch, son of Ohannes; but the objection of the latter was rejected because he had described himself on his Petition as an informer, and in this capacity had no legal right to object. The objection of the Public Prosecutors, that it belonged to the Court to appreciate the evidence, and that the "Juge d'Instruction" had no right to enter into this, was accepted, and the decision of the "Juge d'Instruction" annulled. Moussa Bey therefore stands committed for trial on grave criminal charges.

The indictment was to the same effect, and the gist of it was, according to Article 263 of the Code, explained to the accused by the President; after which the Public Prosecutor, Khalid Bey, proceeded to go through the charges:—

According to the Report of the "Chambre des Mises en Accusation," which has just been read, the things of which Moussa is accused are three—arson, burglary, and robbery with violence—and he would take them in the order in which they are said to have occurred. The case of arson, according to the evidence of two witnesses, took place on a night three years ago, and, according to the official local account, on the night of the 16th July, 1303, that is, on a night two years ago, and fire was set to the threshing-floor and hay and barn of Ohannes, of the village of Ardonk, in the Sandjak of Moush. At that time Ohannes presented a Petition to the Government of Moush, and pretended that his hay and straw had been fired at the instigation of Moussa, or one of his relations, the late Suleiman Bey, but he could not prove it, and the matter rested there. But on the Imperial Iradé which summoned Moussa and his accusers to Constantinople this matter was investigated, and Migherditch, son of Ohannes, who was in Constantinople, was interrogated. He said he had been in Constantinople for three years, and during this time had not gone home, after which he declared that he had been present at the deed and had seen it, and later on again, in another statement, he declared that at the time of the fire he was at Bitlis, and had not seen it. And as he said he would prove that Moussa Bey and his companions had caused the fire, by producing two witnesses, named Boghos, son of Bedian, and Agop, son of Parma, these two men were accordingly interrogated, and according to their statements, Moussa and his assistants came to the village of Ardonk on Thursday night, the 24th July, three years ago, on horseback, and applied torches they had in their hands to the hay, &c., of Ohannes. The witnesses saw them, and on their shouts the villagers came to the place, and Moussa and his band escaped.

As for the burglary, this deed has repeatedly been charged against one Dervish, son of Hacho, a villager of Marin in the neighbourhood, but as it could not be proved, a decision was given on the 30th April, 1305, dismissing the charge. Now, Migherditch declares that this act was committed by Moussa and his assistants two months after the fire, and that he will prove it by the evidence of Boghos, son of Vartan, and Mainas and Hadji Kivork, and that two and a-half months after this theft, Moussa came again with his companions to their house, bound his father Ohannes and his brother Carabet to a post, and by threats forcibly took 20 liras from them. This he says he will prove by the evidence of Ohannes, son of Moukhtar, and Boghos, son of Bedian. But on these witnesses being interrogated, Hadji Kivork

and Mainas, who were produced to prove that a hole was made in the wall, and property stolen, declared they knew nothing of the matter of the theft; but, according to the statements of Ohannes and Boghos, son of Vartan, two of the witnesses to the third charge, namely, robbery, they were sitting in a room about half-past 3 or half-past 4 one night in October two and a-half years ago, when, hearing the dogs bark, they went out and saw Moussa and his companions make a hole in Migherditch's roof, or in a stone wall 1 arshin thick, with their sticks, and take out through the hole a bed, clothes, and other things which were inside, and carry them off. And as for the robbery with violence, this, according to the statement of Hadji Kivork, called as a witness to another matter, took place in winter twenty-two months ago, but, according to the statement of Mainas, it happened in Lent a year and a-half ago, on a Saturday. Moussa and his companions came about 11 o'clock in the evening, bound Migherditch's father Ohannes and his brother Carabet, and left them bound four or five or two or three hours, till they got the 20 liras they wanted. The Public Prosecutor went on to explain that, though the "Juge d'Instruction" had dismissed the charges against Moussa on account of the contradictions in the evidence, his decision had been annulled by the "Chambre des Mises en Accusation," and Moussa committed for trial before the Criminal Court. He therefore asked that the witnesses mentioned on the list which had been given should be heard, and that the trial of the accused should be conducted with the greatest care, as His Imperial Majesty, whose first thought was the enjoyment of justice by all his subjects, was very interested in this special case.

The accused, Moussa, was then called upon to speak. He said that at the time Ohannes' grass and threshing-floor were burnt he himself was Mudir there, and that naturally he would not have committed an act so unsuited to his official position. He was even at Moush at the time of the fire. Although Ohannes some time after brought the matter before the authorities of Moush, he was unable to prove his case. Orders had been given by Salih Pasha, Governor of Moush, for the arrest of a priest who was reported to be wandering about that neighbourhood and collecting papers from the Armenians for the Government, and he had arrested him and found the papers on him during the time he was Mudir, and this had excited the hostility of the Armenians in that part of the country. The theft he was said to have committed by making a hole in the wall was entirely without foundation. As for the extortion of 20 liras by force, he had, according to the custom of the country, given Ohannes seed and money to cultivate his fields, on the understanding that the crops were to be divided equally. Ohannes owed him 25 kilé of corn and 1,000 water-melons, and he sent Chali Murad to ask for payment. Ohannes sent him 40 silver medjidies by his son Carabet, which, though not equivalent to the whole of the debt, he accepted at the latter's entreaty, and remitted the rest of the debt. But Ohannes then went before the authorities of Moush and pretended that the 40 medjidies had been taken by force. His own story, however, as given above, was found, at the investigation which took place on the spot, to be correct, and Ohannes' claim to be false. After this he resided two years at Moush and one year at Bitlis, and no one brought any charge against him. He ascribes the accusations now made against him to the hostility which he mentioned before.

Boghos, son of Bedian, 45 years old, labourer, and Agop, son of Parma, 65 years old, labourer, both from the village of Ardonk, being witnesses to the act of arson, and among those whose names and descriptions were written on the list of witnesses given by the Public Prosecutor, and who had been summoned to attend, were then duly sworn, and heard.

Of these, Boghos said that, while sitting alone on his threshing-floor, about 4 o'clock on Thursday night, 24th July, three years ago, a flame appeared from the threshing-floor of Ohannes', which was ten paces distant, with one threshing-floor between. He went and looked, and saw Moussa with a petroleum torch in his hand, and with him Omar and Jezair Beys and Chali Murad, and another servant whom he did not recognize, setting fire to the grass and barley stacks; he cried out and told the inhabitants of the village, and the men escaped, and at that moment the villagers arrived. And on being asked he stated that first the barn of the said Ohannes, made of stone walls, and a wooden roof, and containing a thousand baskets of straw, and after that the haystacks, and, finally, the fire spreading, the stacks of barley burned, and while they were burning he heard Moussa say, "Let us fire them and go;" but he did not show himself to Moussa, as he was capable of killing a man. He knew there was straw and clover in the barn and a plough, but did not know whether there was

anything else. There was enmity between Ohannes and Moussa, but he was ignorant of the cause.

Khalid Bey then asked him whether Moussa and his band were all on horseback, and, if so, what colour their horses were; whether any one besides himself was at the fire and saw how it was caused, or the escape of Moussa; whether Moussa did anything else while he was escaping; who were sleeping that night in the barn which was burnt; whether their covering took fire or not; and if it did, how it was put out; whether those in the barn saw Moussa or not; how far off the threshing-floor of the other witness, Agop, was from that of Ohannes, and how many threshing-floors there were between; why there were no men in Ohannes' threshing-floor, while men slept in the other floors; how and by whom Ohannes was informed of the fire; whether he had seen Ohannes' son Migherditch at the fire on the night in question; whether there was moonlight that night or not?

He was then further asked by Moussa Bey how it was that while, as he had stated, the stacks of barley were outside and had not been threshed, there came to be any straw?

Izzet Effendi also inquired whether, at the time he went to the place of the fire and saw Moussa Bey, the flame entirely surrounded the barn or not; whether, when the villagers came, they worked to extinguish the burning hay or not?

To these questions he replied that Moussa, Omar, and Jezay Beys, and Chali Murad, were all four mounted and the others on foot; of these, Moussa's horse was a grey and the others bays; he came first to the fire, and on his shout the villagers arrived, but Moussa and his band escaped before their arrival, so that they did not see him. Only one other witness, Agop, saw Moussa there, but this witness came up after himself, and he did not see him while he was shouting, but only afterwards on the threshing-floor. Moussa Bey fired several shots during his escape, and the villagers, too, heard the reports. Ohannes' son Ginas and his servant Ohannes were living in the barn which was burnt, and their clothes caught fire; but they were pulled out of the barn by the villagers and their clothes extinguished; but he didn't know whether water was poured over them or not, as these two latter were taken out of the barn after Moussa had gone; they did not see him. There were six floors between Ohannes' threshing-floor and that of the other witness Agop; these were five minutes' apart, and formed a line with Agop's floor at one end, Ohannes' at the other, and his own in between. The reason why there was no one in Ohannes' threshing-floor, while men slept in the other floors, was that the said Carabet and the servant Ohannes were sleeping in the barn. He himself, while spreading the news of the fire, had shouted, "Moussa Bey has set fire to the threshing-floor," so that Ohannes, who came to the spot after the villagers, learnt in this way that the fire had been caused by Moussa. He had not seen Ohannes' other son Migherditch there on the night of the fire, because he was at Bitlis at the time; although that night was dark, yet at the time of the fire the flames made it quite light. It is true that the sheaves of barley had not then been threshed, but Ohannes' barn was full of old straw and clover.

On being asked to describe the positions of Moussa and his companions at the fire, Boghos replied that Moussa, Omar, and Jezay Beys, with Chali Murad, being on horseback, were together, and the servants he had not recognized at a distance, but only Moussa had a torch in his hand. When he saw the flame and went to the fire it was surrounding the whole barn, and the villagers who came up on his shouts had no room to extinguish the fire, but endeavoured to rescue those who were inside the barn.

The lawyer, Izzet Effendi, remarked that the witness Boghos declared that when he went to the fire the barn was entirely surrounded with flame, and that after he came Moussa set fire to the hay, and then, upon his shouts, escaped, and that then the villagers arrived, but Carabet and the servant Ohannes, who were inside the barn in the fire all this time, must have been burnt.

The accused, Moussa Bey, also observed it was true that Ohannes possessed a large quantity of straw, hay, and other produce, but he also owned cattle in proportion, and as the winter was a long one in that part of the country, it was even necessary to procure straw from abroad, so that the statement that Ohannes' barn was full of old straw was not credible. Moussa further stated that Boghos was one of the men whose seals had been attached to the Report which was drawn up against him at home.

The other witness, Agop, said that one night, while sitting on his threshing-floor, about 3 or 4 o'clock, he saw a smoke come from Ohannes' floor, and, on going there, a flame appeared, and he saw Moussa with Omar and Jezay Beys and Chali Murad: of these Moussa and Jezay Beys lit torches, and threw them on the haystacks. He cried

out, and warned the villagers, and these men made off, and afterwards the villagers came.

On being questioned, he said Moussa, Omar, and Jezay Beys were all three mounted, and Murad was on foot, and, although he saw a number of other men at a distance on foot, he could not recognize them.

The Public Prosecutor then asked him what colour the three horses he saw were which of the barn and other objects said to have been burnt took fire first; who was in the barn, how were they got out, and did their clothes catch fire; whether he saw the other witness, Boghos, at the fire; whether the said Boghos had also seen Moussa, and had shouted with him to warn the villagers; of what the torches were made which were in the hands of Moussa and Jezay Beys; how many floors there were between his own and that of Ohannes; whether he had heard any shots when Moussa made off; when Ohannes came to the fire, and when and how he learnt that it was caused by Moussa; whether it was dark that night or not, and whether he had seen Migherditch on that night?

To these questions he answered that the horse Moussa was riding was grey, and the others chestnuts; that the barn burnt first; that Ohannes' son Ginas and the servant Ohannes, who were spending the night in the barn, were rescued by the villagers, who came up at his shouts, but that their clothes were not burnt; that although he had seen the witness Boghos at the time of the fire, he did not know whether the latter had seen Moussa or not; that the torches in the hands of Moussa and Jezay Beys were not torches made of petroleum, or anything of that sort, but ordinary wax matches (of which witness produced an example in Court); that both Moussa and Jezay were striking these matches and throwing them on the haystacks; that there were six floors between his own and that of Ohannes'; that after Moussa and his band had escaped, and after the villagers had come, two shots were heard; that Ohannes came to the place of the fire after the villagers, but that he himself had said nothing to him at that time about the fire having been caused by Moussa, but only told him three or four days afterwards; that the night was dark, but that the scene was lighted up by the flames, and that he had not seen Migherditch at the time of the fire.

Thereupon, Khalid Bey (the Public Prosecutor) remarked that as Agop gave information to Ohannes three or four days after the fire, it is strange that Ohannes did not bring Agop forward, too, when he applied to the authorities at Moush about the fire. Also, seeing that the witness Boghos says he went to the fire first, and that Moussa fled at his shout, it is hardly possible that Agop, who went to the fire after Boghos, should have seen Moussa.

Agop then, on being asked, said he did not know whether Boghos went to the fire before him or not, but he saw him there, and they shouted together and gave the alarm.

It being nearly 11 o'clock, the hearing of the other witnesses was postponed to Tuesday, the 14th.

Extract from the "Jeride-i-Mehakim" of December 7, 1889.

(Translation.)

Second Sitting.

As was decided on Tuesday, the 14th, the accused, Moussa Bey, the Kurd, was duly produced, and with him were his counsel, Izzet Effendi and Mohammed Ali Effendi, and the Public Prosecutor, Khalid Bey, being present, the trial was proceeded with.

First of all, a claim bearing the signature of Carabet, son of Ohannes, which had reached the Court, was read out. It was to the effect that a year and a-half ago the accused, Moussa Bey, bound himself and his father to a post in the village of Ardonk, left them bound for four hours, beat them, and took by force 20 Turkish liras. On this account he claims to appear as private prosecutor, and to be present at the trial, and that his individual right be taken duly into consideration, and judgment given against Moussa Bey for the harm and loss he suffered.

Carabet was accordingly brought into the Court and his identity established by the witnesses Boghos and Agop, who had been heard at the first sitting. He appointed Tinghir Simon Effendi as his representative to press his personal claim, and paid the regulation fee, upon which the power of attorney was sealed.

On account of the change which had taken place in the composition of the Court,

the former *procès-verbal* was read out, and both parties asked if they had anything to say to it.

Thereupon the Public Prosecutor, Khalid Bey, said that whereas Agop, son of Parma, one of the witnesses who had been heard, had said that the men who set fire to the stacks were Moussa Bey and Omar Bey, and that at the time the fire was caused he had been with the other witness Boghos, son of Bedian, and they had spoken together, in the *procès-verbal* the man who had set fire to the stacks with Moussa was written as being Jezay Bey, and the fact that Agop and Boghos had spoken together at the fire was omitted; he therefore desired this to be corrected.

Moussa then remarked that the thing called a "barn" ("maghaza") was really a "straw-shed" ("samanlik"), and that in that part of the country these straw-sheds were built with stone walls and roofs of earth, and had a small door and a trap-door, so that it was absolutely necessary to go inside in order to see the hay and other contents, and the flame could not have been seen from outside. Further, at the time they fixed for the fire he had gone to another place 40 hours' distant, at the orders of Aarif and Salih Pashas, in order to collect arrears of taxes, and was there at the time of the fire.

Mohammed Ali Effendi, counsel for the defence, observed that he would say a few words as to the persons and evidence of the witnesses to the act of arson.

These two men had conceived enmity against his client on account of his having arrested the priest, and had for a long time proclaimed their hostility by presenting Reports and Petitions against his client to the civil and judicial officials of the neighbourhood and to other high persons in office, and by drawing up telegrams about him, so that their evidence could have absolutely no weight. He then proceeded to enter into the discrepancies in their evidence; but Khalid Bey observed that Mohammed Ali Effendi's statements belonged to the defence, and that the time for that had not yet come, but that the result of the investigations should be declared. Although they can make use of their rights now at once if they like, yet this would involve a loss of time and the separate discussion of each of the acts which are under examination.

To this the counsel for the defence replied that as the witnesses to the act of arson have been heard, he should insist on using his right to speak about them at once. A discussion ensued, and it was decided that, as the immediate exercise of the right of defence would cause a loss of time, and as the Public Prosecutor had not yet made any claim of this kind, the counsel for the defence had no right to do so, and his claim was therefore rejected, and it was decided that he should be heard at the end of the trial.

Ohannes, son of Moukhtar, labourer, and Boghos, son of Vartan, labourer, 25 years old, both from the village of Ardonk, witnesses to the act of burglary, and Kivork, son of Avadis, miller, 45 years old, and Mainas, son of Malkun, miller, 25 years old, also both from Ardonk, witnesses to the act of robbery with violence, all of whom were down on the list of witnesses and had been summoned to attend, were called. Of these Boghos veled Vartan and Mainas veled Malkun not knowing Turkish, when the oath was administered according to law, Ivaz Manoh, of Bitlis, 27, and Ohannes, of Moush, 22, who were appointed interpreters, translated for them, both at the administration of the oath and while they were being heard.

Ohannes veled Moukhtar said that one night about 4 o'clock, while he was strolling through the village, he saw in front of Ohannes' house the accused, Moussa Bey, with Omar Bey and Chali Murad and several persons, whom he could not recognize, busy breaking a hole in the wall of Ohannes' house. At that moment they said to him, "Don't come near or I'll burn you," and he hid in a place and watched their proceedings. On being questioned, he said the wall of Ohannes' house was made of stone, and three of these men were making a hole in it with iron bars, and he saw two of them go inside. The place he was hiding in was 200 paces distant from the house. Although they took out of the house and carried off six loads of goods, he did not know what sort of goods they were. He was not a watchman, but they took it in turns to protect the village, and that night it was his turn, and so he was patrolling the village alone. He had just walked through several streets and then came to Ohannes' house, and saw what he had described. Moussa had about thirteen companions with him. When he went the wall was pretty well pierced; he stayed an hour in his hiding-place. Khalid Bey then asked him how big the hole was which Moussa and his companions had made; whether there was a bed among the things which they took out; how long they took to make the hole; whether there was moonlight that night; whereabouts the wall was pierced, and how many men did it; where Moussa was

standing at that time, and how high Ohannes' house was. And Izzet Effendi, counsel for the defence, asked him how many people went in at the opening they had made; who went in first; what he did after Moussa and his companions had gone; and, since it appeared from the *procès-verbal* that he had, before the "Juge d'Instruction," described the things which he said were stolen by Moussa and his companions as a bed, linen, necklace, and bracelet, and had said that he, while sitting in his house, had seen a crowd before Ohannes' house, and had gone to look and seen Moussa and his companions, what had he to say to this version?

Ohannes replied that the opening made by Moussa and his companions was $1\frac{1}{2}$ arshins big; that he did not know whether there was a bed among the things they took out; that they had worked a quarter of an hour or twenty minutes to make the opening; that there was moonlight that night; that the wall had been pierced by Murad and Omar 1 arshin from the ground, and that Moussa Bey at that time was standing over the chimney; that Ohannes' house was one story high, and about the height of three men; that Omar Bey got in first through the opening, and afterwards Chali Murad, too; the others stayed outside; that after Moussa and his companions had gone he left his hiding place and went home; that he had not seen the crowd from his house that night, but had stumbled upon them, as he had explained before, while making his round, and that he had seen the bracelet in Moussa's hand. Upon this he was asked how he could see a bracelet 200 paces off, which he had said was the distance from his hiding place to Ohannes' house. At this he prevaricated, and said he had heard from Ohannes' family on the following day that a bracelet had been stolen.

The other witness Boghos, son of Vartan, then stated, through the interpreter, that on the night of the occurrence he was sitting in a room in order to watch the village, when, hearing the dogs bark, he went out with one of his companions named Ohannes. They saw Moussa with Omar, Chali Murad, and Hasso, altogether four persons, in front of Ohannes' house; some of them were busy making a hole in the wall, and the others were keeping watch. These men called out, "Hush, there, or we'll burn you;" on which they hid themselves in a ditch and watched the course of events.

On being questioned, he stated that the Ohannes who he had said was with him was the man Ohannes, son of Moukhtar, whose evidence had been heard before him; that that night four of them were sitting in the room of the Ohannes whose wall was pierced, but that none of the owners of the house were with them; that it was Ohannes, son of Moukhtar, who went out with him, and that, as their two other companions stayed in the room, there was no one besides themselves who witnessed the occurrence; that after Moussa and those with him had taken two loads of things, which they extracted through the opening they had made, and had gone, they shouted, and informed Ohannes and his family of what had happened; and that, although there was a moon that night, it had not then risen.

Khalid Bey then asked him how far the ditch where they hid was from the wall in which the hole was made, and how far the room in which they were sitting was from the scene of the occurrence; why, when Moussa threatened to burn them, they did not return to the room and give information, which was the most obvious and easiest thing to do, instead of hiding in a ditch; of what the wall, in which the hole was made, was composed; and, as he said before the "Juge d'Instruction," first that a hole was made in the chimney, and then that the hole was made in the corner, while now he says that the hole was made in the wall, which of these various statements is true; what was the distance between the room where the people of the house were sleeping and the room which was broken into, and from which the things were taken?

Izzet Effendi, counsel for the defence, then asked the said Boghos, son of Vartan, through the interpreter, to fix the date and time of these occurrences; and also inquired of the witness Ohannes, son of Moukhtar, who was heard first, what he had to say to the fact that Boghos had declared that he was in his company that night, and that they had seen the deed together, while he himself had said that he was alone?

Boghos, son of Vartan, replied to the questions addressed to him, that the distance between the ditch in which they hid and the wall which was pierced was about 10 arshins, but that the room in which they were sitting was close to Ohannes' house; that the threats of Moussa and his companions, when he and Ohannes came out of the room, warning them not to give information, forced them to hide in the ditch; that the wall was not made with mortar, but of stone and earth; that, as he had seen Moussa and his companions make a hole in the wall, he had said before the "Juge d'Instruction" also that they made a hole in the wall; that the room in which the

people of the house were sleeping was next to the place which was broken into, and that there was a wall between; that this theft happened about 4 or half-past 4 o'clock one night in November two or two and a-half years ago.

The other witness, Ohannes veled Moukhtar, said that, as he had stated before, he witnessed these occurrences alone that night.

Izzet Effendi remarked that of the witnesses to the act of breaking through the wall and stealing, Boghos, on being asked how he could see a bracelet 200 paces off, replied that Ohannes and his family had told him about it; considering this and the entire discrepancy in their statements, it appeared that these witnesses had been coached, and, therefore, in the interests of his client, it will be necessary for the Public Prosecutor to take proceedings against them.

Khalid Bey replied that this should be gone into after the other witnesses had been heard.

The other witness, Kivork veled Avadis, stated that the accused, Moussa Bey, came and bound the prosecutor Carabet and his father Ohannes, and took 20 liras; that he was there and saw it.

On being questioned, he replied that Carabet having called him he went; that Moussa first bound Carabet to one post and then Ohannes to another, after which the wives of these two men collected the 20 liras demanded by Moussa, one half from the people of their own village, and the other half from the village of Varterss, and brought it. Carabet counted out and handed over to Moussa the 20 liras with his own hand, after which he loosed their bonds and went off. All this he saw himself, and he stayed there to the end.

Khalid Bey then asked him of what sort the money consisted which was given to Moussa; whether Moussa himself bound Carabet and Ohannes; after taking the money which of them he released first; how far the village of Varterss was from their own village; what he had to say to his statement before the "Juge d'Instruction," that at the time of the incident he went to Carabet's room with several persons in order to entreat; how he learnt that Carabet had been bound; how many people were with Moussa, and by what road they came; whether all who were with him went into the room or not; and if they came on horseback, where they put their horses?

Kivork replied that the money given to Moussa consisted of 20 Turkish lira pieces, and that there were no other coins among them; that although Moussa in person had not bound Carabet and Ohannes, they had been bound by his companions upon his orders; that after the money had been paid they released first Carabet and afterwards Ohannes; that Varterss was only five minutes' distant from their own village; that Moussa Bey had first bound Carabet, and that his father had heard of it; he himself had thus learnt it from Ohannes and went to the spot; that Moussa had been with Omar and Jezair Beys, and Chali Murad, and Hasso, and some people whom he could not recognize, altogether ten men; they had all arrived on horseback, and had tied up their steeds to the stable.

Another witness, Mainas veled Melkun, stated, through the interpreter, that Moussa came one evening to the room of Carabet, bound him and his father, and, taking 20 liras which he demanded, went away.

On being questioned, he said that he was a watchman, and was in Carabet's room, but that at the time there was no one besides themselves—that is, Carabet, his father, and himself—in the room; that Moussa had Omar Bey, Chali Murad, and some others, whom he did not recognize, with him; they were all mounted, and arrived about bedtime, and binding first Carabet and then his father to a post, they demanded 20 liras; Carabet's mother and wife handed over to Moussa 20 liras which they had collected, a little from their own village and the rest from the village of Varterss, after which he released the two men and went away; the money given to Moussa consisted not only of liras, but there were some medjidies among it.

Khalid Bey then asked him how far Varterss was from their village, who brought the money to the room, and how it was handed over to Moussa; and, since he has said before the "Juge d'Instruction" that the people who arrived at Carabet's room numbered fifteen, and that he himself was looking at Moussa's horses in front of the door, which of these statements was true; whether all those who arrived were in the room or not; whether the other witness, Kivork veled Avadis, was there or not, and what he had to say to his statement before the "Juge d'Instruction," which, from the *procès-verbal*, appeared to be to the effect that this event took place about 11 o'clock one Saturday in Lent about a year and a-half ago, and which did not agree with what he said now?

To these questions he replied that the distance between his village and the village of Varterss was about two minutes or half an hour [*sic*], and that it was near; that the money collected was brought by Carabet's mother and given to Moussa by Carabet with his own hand; that all the people who arrived were in the room, and, with themselves, numbered about fifteen, but that there were none of the villagers among them, only after Carabet and his father, Ohannes, had been bound the other witness, Kivork, arrived just as the money was going to be paid to Moussa; that when Moussa came, they handed over about six horses to him, and he tied them up and went into the room and saw what happened, and that, as Moussa came at night, according to his former statement, and did this deed, he had described the matter in this way also to the "Juge d'Instruction."

Hereupon the turn came for the examination of the charge relating to the murder of the miller, Malkhass, for the interrogatories on this matter with regard to Moussa Bey having been completed on Thursday, 9th November, 1305, the annulment period had elapsed.

The prosecutrix, Kumash, wife of Malkhass, was accordingly brought into Court, and Tinghir Simon Effendi, who had been appointed her representative in due form, being present, the investigations in this matter were commenced. The accused, Moussa Bey, and his counsel, Izzet Effendi and Mohammed Ali Effendi, were reminded of the provisions of Articles 264 and 265 of the Code of Criminal Procedure, after which the indictment and the Report of the "Chambre des Mises en Accusation" were read out.

This Report was to the effect that, upon the investigations of the "Juge d'Instruction," which took place on account of the charge brought against Moussa Bey with regard to the wounding and murder of the miller, Malkhass, one of the inhabitants of the village of Ardonk, in the Sandjak of Moush, it appeared that the statements of the witnesses are altogether contradictory; that no motive has been shown for the murder of Malkhass by Moussa Bey, and, even if Moussa had any grudge against Malkhass, that, as the witnesses, the priests Gaspar and Demetri, agree that they could not recognize Malkhass and the men with him on account of the distance, it is improbable that Moussa should have identified Malkhass at such a distance, picked him out from his companions, and shot him; that Moussa sent out men on purpose to look for Malkhass' assailant; that Malkhass did not die from the effect of the wound, but died a natural death, after lying ill in his house for fourteen days; that Moussa had no hand in this, and that Usb, son of the deceased, all along declared that, though he had been incited by some Armenians to lay a complaint, he feared God, and did not intend to slander Moussa Bey; that all accounts agreed that no inquest had been held on Malkhass, and that if the wound had been inflicted by Moussa, and if the deceased had died from it, his heirs would certainly have informed the authorities and have prosecuted Moussa, yet, till Kumush and the others came to Constantinople, no action was taken, and it appears from information received from the spot, that the heirs themselves deny the malicious reports which have been spread of former actions brought in this affair.

On account of these considerations, the "Juge d'Instruction" decided that the evidence of the priests, Gaspar and Demetri, not being reliable, and there being therefore no legal proof of the crime, the case against Moussa Bey should be dismissed.

But the Public Prosecutor of the Courts of First Instance and of Appeal objected to this decision, on the ground that the appreciation of evidence belonged to the Tribunal, and not to the "Juge d'Instruction," and that therefore his decision was illegal, and the information contained in the *procès-verbal* being sufficient to establish a *prima facie* case against Moussa Bey, and the case coming under Article 170 of the Criminal Code, he was committed for trial on a criminal charge. The indictment ran to the same effect.

Hereupon, the gist of the indictment was explained to the accused by the President according to custom.

Khalid Bey, the Public Prosecutor, then began to analyze the charge, and stated that, as he had gone through the matter laid to Moussa's charge in the former Report of the "Chambre des Mises en Accusation," so he would go into the matter of the murder, contained in the Report which had just been read, as far as he was able from the information contained in the *procès-verbal*.

In this matter, the first step was information given to the Assistant Public Prosecutor at Moush on the 19th February, 1302, by the monk Gabriel, that Malkhass had been wounded in the right ankle fifteen days before in the village of Ardonk,

that no gun report had been heard, and that the saying was going about among the people that he had been struck by lightning. Upon this the matter was investigated on the spot, and the monk Gabriel and Malkhass' son Usb were summoned and questioned. The monk Gabriel, who said he was Malkhass' cousin, deposed that although there was the mark of a wound in the deceased's foot, it was not of a nature to cause death, and that, as his heirs had declared that his death arose from ill-health, he himself had buried the body. He did not know by whom deceased had been wounded. Usb also had declared that, though his father had been wounded in the foot while coming from the mill by a bullet from an unknown source, yet, as he had not died in consequence of the wound, they had not given information to the authorities for an inquest to be held. In a Petition he presented later, and in his statement which was taken down, he also declares that his father, after lying fourteen days prostrated by an illness, died on the fifteenth day of his illness, and that although afterwards some Armenians had incited him to bring an action against Moussa Bey for wounding his father, yet he had replied that he feared God, and would take no part in such a slander. Now, upon the Imperial Iradé summoning Moussa Bey to Constantinople to be tried, Kumash, the wife of Malkhass, had arrived here and presented a complaint against Moussa. On being interrogated before the "Juge d'Instruction," she stated that at 11 o'clock one Sunday evening at the end of January, two and a-half or three years ago, Malkhass was coming from the mill, and on passing between the stable and Moussa and his men he was wounded by Moussa from a gun, and died an hour afterwards in consequence. Next day Moussa sent two priests and two other men, and had the body buried. Moussa did not come to her house, but he confessed at Moush that he had wounded her husband on purpose or by mistake. He had even, in order to pacify her, said, "I will look after you and marry your son," and, although he had not looked after her, he had given her son an Armenian girl from the village. She had also brought two witnesses, named Gaspar and Demetri Papas, from the village, in order to prove that Moussa Bey had no grudge against her husband Malkhass, and that he had been wounded by Moussa. Khalid Bey went on to say that these two witnesses had then been called and heard. The priest Gaspar stated that two and a-half years ago, in the winter, he could not remember what day, he went to the threshing-floor of Demetri to get a 5-piastre piece, and that Malkhass, who was coming from the mill with two companions, was wounded by a bullet fired at a distance of five minutes' walk by Moussa Bey, who was sitting in a ditch opposite them 15 or 20 paces distant from himself; that one hour afterwards Malkhass died in consequence; that in the morning Moussa Bey called him and his companion Demetri to Malkhass' house, and ordered them with threats to keep the deed secret and to bury the body. The priest Demetri, too, stated that two years and eight months ago, on a Sunday evening in February, while he was talking to the priest Gaspar in the threshing-floor, Moussa Bey came, and, passing them, descended into a ditch behind the straw shed five paces distant from them. From there he took aim at Malkhass, who was coming from the mill with two companions, and wounded him from a distance of 150 or 200 paces. An hour afterwards Malkhass died in consequence, and in the morning Moussa Bey summoned him and his comrade Gaspar twice to the house of Mardiros, where he was staying, and ordered them with threats to bury the body without having information given to the authorities. The "Juge d'Instruction" had then, on account of the discrepancies between the statements made here and the contents of the local *procès-verbal* which he had sent to Constantinople, dismissed the charge against Moussa.

The Public Prosecutor then went on to explain how this decision of the "Juge d'Instruction" had been annulled by the "Chambre des Mises en Accusation" upon the objection raised by himself, that it was not the province of the "Juge d'Instruction" to appreciate the evidence, and how Moussa had been committed for trial on the criminal charge of murdering Malkhass. Consequently, he demanded that the trial of Moussa on this charge should be consolidated with the trial which was going on on the other charges, and that the witnesses should be heard.

Hereupon, however, it was reported that the witnesses Gaspar and Demetri, who had been summoned for this affair according to the list of witnesses, had not arrived; and Tinghir Simon Effendi, counsel for the defence, stated that, although the summons issued by the Court had been communicated to these two witnesses, and although they were ready to appear, they had been ordered by the Patriarch not to attend, on the ground that the summons was communicated to them directly, and not through the Patriarchate.

The Public Prosecutor, Khalid Bey, remarked that the Patriarchate was not

competent to interfere in this matter, for, as regards summonses and the administration of the oath, priests were not distinguished by the law from other individuals, and, as these two individuals, Gaspar and Demetri, had not answered the summons issued by the Court, although they had signed it to the effect that they would attend on the day fixed, he demanded that they should be dealt with according to Articles 75 and 284 of the Code of Criminal Procedure.

At this stage of the proceedings, as it was nearly 11 o'clock, the Court was adjourned till Thursday, the 16th, and it was decided that, as, according to the official Circular of the 24th July, 1304, it was the established rule that, in cases where it was necessary to summon and hear religious officials in civil and criminal matters, such persons were not subject to the ordinary method of communicating summonses, the demand of the Public Prosecutor with regard to the witnesses who had not arrived should be rejected, and they should be summoned through the Patriarchate to which they belonged.

Third Sitting.

The priests, Gaspar and Demetri, attended on the day fixed in obedience to the summons which, as decided, had been communicated through their Patriarchate; and the accused, Moussa Bey, having been duly produced from prison, and his counsel, Izzet and Mohammed Ali Effendis, being with him, and the representative of the private prosecutors, the woman Kumash and Carabet being present, as well as the Public Prosecutor, the trial was proceeded with.

The priest Gaspar, 42 years old, and the priest Demetri, 35 years old, both of the village of Ardonk, were first sworn, and although they wished to refuse to give evidence in Turkish, they were persuaded, and were interrogated without an interpreter.

The priest, Gaspar Effendi, stated that, one day about 11 o'clock, he went to the monk Demetri to ask for 5 piastres, and while he was in his threshing-floor asking for the money, and while the latter was saying that he had not the money by him, the accused, Moussa Bey, came with a gun in his hand and got into a ditch near the straw shed; while they were waiting to see what would happen he wounded one of three persons who were coming from the mill. They said, "I wonder who the wounded man is?" on which Moussa told them to be silent, and made his escape. The villagers then came and found the wounded man to be Malkhass, who was unable to make any statement; he died one hour after he was taken home. The following day Moussa had him called to Malkhass' house, and, on his going, proposed that he should bury the body. He did not wish to comply, saying that it was necessary to inform the authorities, but Moussa insisted and threatened to do the same to him, so that they were obliged to bury Malkhass. Ten days after this Moussa sent for the deceased's son, and married him to an Armenian girl. Afterwards the matter of Malkhass' death was investigated by the Moush authorities, and Malkhass' son was summoned, but Moussa Bey again sent for him, though on this point he himself knew nothing as to what passed between them.

On being questioned he stated that Malkhass' wound was in the ankle, but as he had not been with the villagers who went to carry him after he was wounded, and as at the funeral he had been too moved at the tears of the deceased's son to look, he did not know in which ankle he was wounded. The event happened two and a-half years ago in winter, and there was snow on the ground; the marriage of the deceased's son, Usb, with the girl whom Moussa gave him, took place in the church of Ardank.

Khalid Bey then asked him whether at the time of the deed the weather was cloudy or misty; whether he had recognized Malkhass and his two companions who were coming straight from the mill; how far the place where Malkhass was wounded was from the ditch where Moussa was stationed; what was the name of the girl who was said to have been given by Moussa to Malkhass' son; how he explained the fact that he had told the "Juge d'Instruction" that at the time of the occurrence there was no snow on the ground, while he now contradicted this statement?

Extract from the "Jeride-i-Mehakim" of December 9, 1889.

(Translation.)

Third Sitting.

Did he receive 5 piastres from Demetri, or did he not; how was it that, seeing that in winter there would be no threshing-floor, he heard that Demetri was on the

threshing-floor, and went there; who were the two persons who, according to his statement, were with Malkhass; did Moussa Bey come on the threshing-floor before or after them; on which side of the threshing-floor was the ditch in which Moussa Bey stood; how far was it from the point at which they stood; where did he go, when bade to move off by Moussa; was any one with him as he went to Malkhass' house; at what o'clock was Malkhass buried?

Examined by Izzet Effendi, one of the counsel for the defence: At what distance was the village from the place where Malkhass was; how many priests were there in the village besides himself; which of them were present at the burial; how did he come to Constantinople; by what means did the villagers hear that Malkhass had been wounded before they brought the news; had Moussa any horses with him at the time he entered the ditch; when he went to Malkhass' house in obedience to Moussa, in what room was the body lying, and in what position?

Questioned by Mahommed Ali Effendi, the other counsel: When the death of Malkhass was reported to the local authorities, was any one summoned besides Usb?

The said priest Gaspar replied that he did not remember, on account of the time that had elapsed, whether or not it was cloudy or foggy when the event took place; the distance between the spot on which Malkhass stood and the ditch where Moussa hid was 4 or 5 minutes; he did not recognize the companions of Malkhass as they came up; he did not know the name of the girl who was given by Moussa to Usb, the son of Malkhass, nor did he know those who were with Malkhass at the time he was shot; at the time of the occurrence it was winter, and snow was on the ground, this being, he said, what he had affirmed at his first examination; he did not remember whether or not he had received from Demetri the 5 piastres he had asked for; the place specially prepared as a threshing-floor was always called a threshing-floor, and when, on going to the house of the priest Demetri to ask for the said 5 piastres, he was told that he was on the threshing-floor; he went and found him there.

After he had gone to the threshing-floor and had spoken to Demetri, Moussa came up; the ditch which Moussa got into was opposite the threshing-floor; where they stood was 10 or 15 paces distant; the ditch was about a yard in depth; on the said threshing-floor were two barns, one belonging to the priest Demetri and the other to another priest; although they were standing by the side of the said Demetri's barn, he did not remember on which side were the doors of the said barn; he alone was sent for by Moussa to the house of Malkhass, and no one was with him; on the day after the occurrence, just after sunrise, they buried Malkhass. The distance between the place where Malkhass was wounded and the village was about five minutes' walk; in the village there were two priests, named Kapril and Matos respectively, besides Demetri and himself; they were all present at the burial; the expense of his journey to Constantinople and other things was defrayed by the woman Kumash; the villagers went to bring Malkhass, because they saw him shot. Moussa was on foot when he came to the ditch, and no one was with him. Malkhass' house consisted of one room only; when he went, in obedience to Moussa, he saw the body of Malkhass in the said room, on the carpet; he did not know whether or not, when the death of Malkhass was reported to the local authorities, any one was summoned besides Usb.

The other witness, the priest Demetri Effendi, replied to the questions put to him, that, on going one day to the threshing-floor to get straw from the barn, he met the priest Gaspar, and they were speaking together when the accused, Moussa Bey, came up, and, passing them, got into a ditch behind the barn, and—it was 7 o'clock—levelled a gun in the direction of the mill, and shot one of a group of persons who were coming that way; they (the priests) were wondering whether the wounded man was a Mahomedan or an Armenian, when Moussa ordered them to be quiet. On this the villagers went and carried away the wounded man, the miller Malkhass, who an hour afterwards died in his own house. The next day Moussa sent for him (Demetri) and proposed that they should bury Malkhass, but he said they could not consent without giving information to the authorities: when, however, Moussa threatened them with the words, "I will do the same to you," they yielded and buried him. When Malkhass had been buried Moussa sent for Usb, his son, and, after ordering him to make no complaint, went away; some time after Moussa brought Usb to his own village, and gave him an Armenian girl in marriage; afterwards, when the manner of Malkhass' death became known to the authorities at Moush, and Usb was consequently sent for, Moussa took him with him to Moush, but he (Demetri) had no information of the sequel.

On the day after Malkhass had been shot Moussa summoned him first to the house of Mardiros, and from thence they went to that of Malkhass; the body was lying in the room, on the matting; Malkhass had been wounded in the right thigh, in a part near the groin, but the bullet had entered on the inner side and passed out again; although the ditch which Moussa had entered was behind the barn, they could see from where they stood what went on; he (Demetri) himself saw Malkhass' wound, but he did not know whether or not the priest, Gaspar Effendi, had seen it; when he went into Malkhass' house he saw Gaspar.

Questioned by the "Procureur-Général": In his first examination he said that, in obedience to Moussa, he went to the house of Mardiros with Gaspar, and, when contradicted by Gaspar, he had even persisted in that statement, while now he affirmed what was just the contrary of that statement—what had he to say to that? What was the distance between the spot occupied by Malkhass and Moussa's ditch; did he distinguish as they came up those who accompanied Malkhass; did he give Gaspar the 5 piastres he asked of him; was he present at the marriage of the girl whom Moussa gave to Usb; what was her name; at what o'clock was the body buried; did Moussa salute them when they saw him on the threshing-floor; on which side of the threshing-floor was the door of the barn, and on what side were they standing; how many times and when was he called by Moussa to the house of Mardiros?

Asked by Izzet Effendi: Who went to bring Malkhass after he was wounded; and how did these people hear of what had happened?

The witness Demetri replied that Moussa summoned him twice to the house of Mardiros, once to order the burial of Malkhass, and again when he warned Usb not to lodge any complaint; he did not now remember whether or not the other witness Gaspar was with him on those two occasions; the spot on which Malkhass was shot was about 150 paces distant from Moussa's ditch; he was able to distinguish Malkhass by an old cloak which he had on his back, but as it was evening, and foggy as well, he could not make out his companions; as for the 5 piastres, he went home after what occurred, and gave them to Gaspar there; the marriage of the girl to Usb took place in the church of their village, and he was also present, but he did not know the girl's name; the deceased Malkhass the day after he was shot, at 2 o'clock [*sic*]; when they were on the threshing-floor, the accused passed about five paces in front of them, and got into the ditch, but did not salute them; the door of the barn was on the road leading to the mill; as they stood there they saw Moussa pass, and in order to know what he was about they followed him, and, stopping five paces behind the ditch, they waited to see what would happen; when the shot was fired there were villagers on the roof who saw it, and they then came to carry Malkhass away.

A double declaration made by Usb, son of the miller Malkhass, which had been taken down at his own request at the office at Moush of the "Procureur-Général," for the first and second time, on the 17th March, 1804, and a Report, signed by the priest Kapril, were read out. From the Report it appeared that, although Malkhass had died fifteen days before from a wound in the thigh, the report of the gun not having been heard, it was generally supposed that he had been struck by lightning. The declaration was to the effect that Usb's father had died a natural death a year before, but that certain evil-disposed persons affirmed that he had been murdered, and imputed the deed to Moussa Bey.

This accusation, it was asserted, was without foundation, and ought to be disregarded.

In the first declaration, Usb stated that he did not know the cause of his father's death; he saw the trace of the wound in his thigh, but it was not serious enough to make it necessary to seek a doctor; a year before, when his father was 60 years old, he was attacked by intermittent fever, and was always in ill-health. One day he said that he had been wounded when coming from the mill, but he did not say by whom. When a search was set on foot, Moussa Bey sent men specially for that purpose.

In the second declaration, Usb stated that his father was ill for ten or fifteen days, and then died a natural death; but as, in consequence, his business was ruined, certain persons of that district, viz., Makdas, son of Babi, and Agop, son of Malkun, urged him to institute proceedings against Moussa for the murder of his father; but, because he feared God, he could not falsely accuse any one.

On the question being put to the accused, Moussa Bey: On the night of Malkhass' death, was he or was he not in that village; in what way did Usb apply to him for a search to be made for the person who had fired the shot, it having been understood from the said reading that he did make the application?

Moussa Bey answered that as the village of Ardonk was close to that in which he lived, he constantly went to and fro between them, but that he had received no information whatever of the wounding and the death of Malkhass, and he therefore did not remember any application being made to him by Usb; it was stated that he was in the village on the night after the shot was fired, but it was absurd to think that any one who had committed that crime could with safety remain in the village, and it was equally clear that there was nothing to prevent the people applying to the authorities; as for the marriage of Usb, three years before, in January or February, an Armenian of his own village came to him, and stated that he wished to give his daughter to Usb; he made the necessary inquiries, and gave his approval, the man stating that he gave his daughter of his own free will; and he declared that upon the occasion of the marriage he was invited to the wedding party, and that the priests who accused him of misconduct upon that occasion were his enemies, for reasons he had already mentioned. And the Report which had lately been presented in high quarters was drawn up by friends of theirs, and was therefore unreliable. Among the priests Demetri Effendi was standing at the distance of from 150 to 200 yards from the spot, and, although the day was misty, he said that he recognized Malkhass; whereas, it was utterly absurd to suppose that a man could be recognized under those circumstances.

The woman Kumash, one of the private prosecutors, was then questioned, and as she does not speak Turkish, Ohannes, who acted as interpreter to the witnesses in the late trial and administered the oath, translated her statement. The husband, Malkhass, had gone out in the morning, and in the evening was brought home wounded on the backs of the villagers. Soon after he was carried home he died, but she informed no one of his death. On the following day Moussa Bey brought some priests and made them bury Malkhass, and threatened to punish them for having kept his death a secret. Moussa Bey did not enter the dead man's house, but remained outside before the door. The partie civile, Carabet, also stated that Moussa Bey had set fire to their hay and other belongings, and, after breaking through the wall of their house, had plundered it. Lately, too, he had bound himself and his father with cords, and had carried off 20 liras belonging to them. As it was now nearly 11 o'clock Turkish, the Court was adjourned until the 18th of the month.

Fourth Sitting.

On the aforesaid day the accused, Moussa Bey, was summoned to appear in Court, and the trial proceeded as before, both plaintiff and defendant being present. Upon the termination of the proceedings, the Public Prosecutor made a speech, of which the following is the exact report:

It is well known that Public Prosecutors are nominated as guardians of the public rights and of their country's laws. It is evident that, in order that justice may be administered, the stipulation of the law must be rigorously carried out, because law is the mere instrument of justice; and as regards justice, her orb arises from knowledge of the truth, and she is a shining sun whose beams shed light and joy upon a thankful people. And so, by turning the eyes to the horizon of truth, the mind is enlightened by the rays of the glorious sun of justice.

It is probable that those who are unversed in subtle points of law are not aware of the important duties imposed upon the Public Prosecutor. They may imagine that his duty consists in bringing the accused before the Court, and displaying his eloquence in pleading against him. Whereas, in reality, the duties of the Public Prosecutor are not limited to this alone. No comparison can be drawn between him and an ordinary advocate. The ordinary plaintiff institutes legal proceedings upon the strength of the wrongs he considers to have been done to himself.

Whether he be in the right or in the wrong he follows up his case to the very end, keeping well in view the evidence and proofs which tend to throw light upon it. If he have justice upon his side, and results show his claim to be a just one, he is well content. But if he be in the wrong, and the verdict failed to coincide with the interests he has at stake, he is naturally disappointed. But his satisfaction or dissatisfaction affect himself alone. But the results of proceedings instituted by the Public Prosecutor concern the public in general, that is to say, the whole human family. For he brings his charge in the name of the public rights. The benefit or injury done to the rights of the public admit of no comparison with the benefit or injury done to the rights of the person; and in the same way the duties of the defender of the public rights cannot be compared with the duties of the defender of personal rights.

The Public Prosecutor is nominated by law to institute proceedings in the Court of Law, and so also he is obliged in his official capacity to declare, at the end of the investigations, his own convictions, and the conclusion he has arrived at in following the trial.

It is the duty of the Public Prosecutor to sift the statements and complaints made to him upon matters included under the head of legal offences. He must at times set up a case upon his own initiative, and bring all his faculties to bear upon the investigations. He will bestow great attention upon the points of evidence tending to prove the case, and will analyze with care the proofs themselves, and will endeavour to make the justice of the plea brought before the Tribunal coincide with the result of the investigations. Moreover, as it is his duty to examine into the offence, so also if, in the course of the inquiry, he discovers some further offence, he must openly accuse the offender.

He is not expected either legally or morally to prove his case by unfair means. His duties are laid down by law. But it is plain that his line of action is in no way limited provided he shows up the truth. The Public Prosecutor prosecutes his case upon the occasion of an infringement of the law in the same way as the ordinary advocate. But if he consider the accusation unjust and the case unfounded, he openly states his conviction to that effect.

The Public Prosecutor cannot be expected invariably to gain his case. Because, as he is appointed by law to investigate crime, so also, if he discover some other action constituting an offence, he is obliged to prosecute the offender and follow out the case to the end, and, as the trial does not affect him personally, he cannot arrive at the truth of the matter at first sight. He must draw his own conclusions from the evidence given, and then submit them to the Judges. He is not bound to prove his case from the standpoint first occupied, nor must he endeavour to conceal the injustice of his case if he know it to be unjust. Because in that way the public rights would suffer. The rights of an accused person are included in the rights of the public. Thus the Public Prosecutor has the right to demand a reversion of the sentence passed upon the prisoner. But if the prisoner be acquitted, he permits no appeal to be made for a fresh trial. If the prisoner be found guilty and suffer the punishment he deserve, it is a warning to his fellow criminals, and the public benefits by it. But if an innocent man be accused and condemned upon insufficient grounds, and thus become the victim of injustice, the public voice is raised to protest.

The defender of the public rights cannot confine his pleading to one point, like the ordinary advocate. In short, his duties are most onerous, and he bestows all his pains upon arriving at the truth. And just as we have been employed in all cases and at all times in searching after the truth in the case of law proceedings, so also in this trial, in order to fulfil our sacred duties as the servant of justice, we have bestowed great pains upon the investigations called for by the differences in the respective statements of the witnesses given at the preliminary inquiry. In the trial also a number of discrepancies have been forthcoming, which I have noted down one by one, and will submit to the Judges.

In the first place, I shall enumerate in order the differences in the respective evidence of Boghos, son of Bedian, and Agop, son of Parma. In the preliminary inquiry, Boghos stated that a fire broke out in the barn belonging to Migherditch just three years ago on the night of the 24th July. He went to look on at it, and seeing Moussa Bey alone in the act of setting fire to Migherditch's haystacks with a lighted taper, he raised a cry that Moussa Bey was setting fire to Migherditch's store-house, and hay, and barn; thereupon the villagers came running up, and Moussa Bey, after firing a few shots into the air, took himself off. Agop stated that one night about three years ago he saw smoke rising up, and afterwards saw Moussa Bey and Omar Bey with lighted tapers in their hands setting fire to the hay belonging to the father of Migherditch. He raised a cry of "Fire!" and "Help!" whereupon the villagers came running up, and Moussa Bey and his comrade retired.

Thus it will be seen that the two witnesses differed essentially in their account of the event, and also as to the time at which it occurred; and whereas Boghos affirmed that he was the only person who witnessed the fire, Agop stated that he, too, saw it with his own eyes. Boghos said that Moussa and Omar and Jezay Bey were on horseback and the rest on foot, but according to Agop's account, Chali Murad was mounted, but he did not speak of Jezay Bey being on horseback. In the trial Boghos gave his evidence to the effect that Omar Bey and Jezay Bey were mounted, and that Moussa Bey rode a grey horse and the others bay horses. Agop also stated

that Moussa Bey's horse was white and Omar and Chali's horses were bays. Thus Boghos, contrary to his statement in the preliminary inquiry, affirmed that Murad was also on horseback. And Agop, too, after stating in the preliminary inquiry that Omar Bey's horse was grey, said at the trial it was bay, and Murad's horse was also a bay. Thus the evidence of the two witnesses did not agree.

Boghos said Moussa Bey alone set fire to the barn with a large taper smeared with naphtha, which he held in his hand; and as regards Agop, he affirmed that Moussa, along with Omar Bey, set fire to it with ordinary wax matches.

Now, whereas this Boghos said that Rinas, son of Ohannes, together with the servants, escaped from the burning barn, but Ohannes' clothes were entirely destroyed, Agop declared that all the men's clothes were burnt. Boghos stated that he did not see Agop at the fire, but Agop said he saw Boghos, and they spoke to each other. Agop, both at the preliminary inquiry and during the trial, declared Boghos went to the fire before himself, and Boghos said that on arriving at the spot where the fire took place he immediately raised a cry that Moussa Bey was setting fire to Migherditch's hay and barn; but Agop stated during the trial that he went along with Boghos, and that they cried out in vain. Their statements differ on this point, since Boghos stated that he arrived at the scene of the fire before Agop, and that when he appeared himself and raised the alarm Moussa Bey and his companions took themselves off. According to this account, Moussa Bey must have already gone when Agop arrived, the moment of setting fire to the barn with the taper must have passed. And so it is evident that Agop could not have seen Moussa Bey setting fire to the barn. Agop's account of the affair called for some further examination, but upon his being asked for further explanations he could give no answer.

Agop said that after the villagers arrived Moussa Bey fired four or five shots into the air and then took himself off. Agop said he fired twice, and that he heard the reports at a distance.

Agop stated, both in the preliminary inquiry and at the trial, that there were seventy or eighty barns in the village, and that they were all of the same kind; but Boghos declared that there were only seven or eight barns; first, there was Ohannes' barn, and at the side Artenk's barn, and next came his own. Agop said that all the men were in his barn, and between his barn and that of Ohannes there were six others. According to this statement, those whose barns were nearer to the fire must have seen the fire before he saw it himself, and must have immediately rushed up upon hearing Boghos' cries. But, strange to say, none of them saw it. This old man, Agop, however, saw it six barns off and ran to it. According to Agop's account, and to his statement to the effect that the event occurred in the month of July, Rinas and the servants of Ohannes must have been sleeping in Ohannes' barn; but he said they were in Migherditch's storehouse.

Information received from the local authorities sets forth that in the year 303, on the night of the 6th July, that is to say, two years ago, notice was given of the event. But the witnesses declare that the event took place three years ago, and Migherditch said that three years ago he was in Stamboul, and since then he had not returned to his native village. Ohannes went to the Governor of Moush, and charged Moussa Bey or his relation Sulciman Bey with having set his hay-ricks and straw barn on fire, but according to the communication received from the Moush authorities he was unable to prove his case.

Moreover, Agop told Ohannes that he saw Moussa Bey committing the incendiary four or five days after the real event, and Boghos told him on the same night. These statements cannot be reconciled.

As regards Ohannes, son of Moukhtar, and Boghos, son of Vartan, who gave evidence as to the breaking in of the wall and the burglary of the house, their statements as recorded in the *procès-verbal* are as follows. Ohannes stated that two years and a-half ago, during the Feast of St. Demetrius, in the night at about half-past 4, Moussa Bey and his companions broke through the wall of Migherditch's house and entered it. They took and carried off a bed and various other articles. Those who broke through the wall were Moussa Bey, and Omar Bey, and Murad. But contrary to this statement, he afterwards declared that Moussa Bey sat on the chimney, and whereas he declared in his first statement that the event occurred during the Feast of St. Demetrius, he afterwards confessed that he did not know whether it took place before or after that date. He said that the wall was broken through with sticks in the space of ten minutes to a-quarter of an hour, and lately he affirmed that this wall was of stone and $2\frac{1}{2}$ feet thick. He saw a crowd of people, and hearing a cry of "Be off, I will thrash you," went home. First of all he declared that Omar Bey passed through

the hole in the wall; then Murad followed him, and while handing out their plunder Omar Bey appeared first and Murad immediately after him.

Considering the impossibility of a stone wall $2\frac{1}{2}$ feet thick being broken through with sticks in fifteen minutes, and of seeing any one enter or come out and the various other circumstances at a distance of 200 paces, the evidence seemed to call for further investigation.

Boghos, after affirming that Omar Bey was breaking in the roof, and that some of his comrades got down through the roof into the house, declared that the roof was opened at one corner at the height of a man from the ground, and that the plunder was passed through the aperture. Upon its being asked how it was possible to pass the plunder out of a hole at such a height, he explained that it was not so high as an ordinary man's stature, but merely up to his neck, and that they made the hole larger and passed the things through it.

Now Ohannes stated that after passing the plunder through the aperture Moussa Bey handed it to his companions, who carried it off. But Boghos asserted that they distributed the plunder and all went off together.

Ohannes said that he alone saw the robbery, and upon the robbers crying out that they would knock him down, went away home, and mentioned the matter to no one. But Boghos declared that he rushed out of Migherditch's room along with Ohannes and saw the whole affair, and told the women who were in Migherditch's house. And in one statement made by him he asserted that Moussa Bey called out, "Hold your tongue, or I will knock you down." And being afraid, he slunk off to a corner and remained there.

In consideration of these numerous discrepancies in the evidence given, the inquiry was stated afresh, and in the course of this examination it was explained that the sticks used to break through the wall were of iron, and although the wall was built of stone, no mortar had been used in its construction, but merely mud.

A whole series of discrepancies came to light in the evidence given during the trial, besides other contradictory statements and conflicting evidence, the skein of which it is impossible to unravel.

Extract from the "Jeride-i-Mehakim" of December 14, 1889.

Continuation of Fourth Sitting.

(Translation.)

Moreover, while Ohannes stated in his first deposition that the thieves got the bed through the hole and carried it off, in Court he expressly stated that the bed was not among the articles brought through the hole; and, on being asked what were the articles so brought out, declared that they consisted of female apparel, bracelets, and similar objects. On being asked how he saw the bracelet, he first said that he saw it in Moussa Bey's hand, but, questioned as to how he could see it at a distance of 200 yards, he stated that he heard on the following day from some of the men in the house. Again, in contradiction to his statement in the interrogatory, he declared that leaving home he was wandering about alone when he found himself near Migherditch's house. On the roof he saw Moussa Bey, who cried out, "Don't approach, or I will set fire to it." Whereupon he got into a corner and remained there for an hour.

In his first statement he said that, when he came upon the thieves, the hole was open and very little remained; while in his subsequent statement he declared that when he came up they had just begun to make the hole.

Asked how it was that Moussa, while on the roof, made the hole with Omar and Murad Bey, he said that Moussa worked from above while Murad and Omar worked from below. Asked was the hole made through the roof or the wall, and what was the height of the wall, he stated that the hole was made about a yard above the foundation of the wall, and that the height of the wall was about three times that of a man. Being then asked how it was possible for Moussa, who was on the roof, to make the hole with Omar, who was on the ground, he again said that Moussa was on the roof, and altogether in his trial added to the discrepancies of his interrogatory.

The other witness repeatedly stated that Boghos was not with him that night, nor did he go to Migherditch's. Boghos, in presence of Ohannes, declared that he left Migherditch's with Ohannes, and upon Moussa saying "I will burn you," retired to a

ditch about 50 paces off, and watched the proceedings of Moussa and his friends. This, however, Ohannes persistently contradicted.

The witness Boghos, who had said in the examination by the "Juge d'Instruction" that the hole was made in the corner of the roof (the corner formed by the roof and the wall?), and that the hole was of a man's height, said in the trial that the hole was made in the wall, and that its height was that of a man.

Being asked to account for the contradiction, Boghos declared that he had made the same statement to the "Juge d'Instruction."

The other witness said that the height of the wall from the ground to the roof was about three times that of a man, and that the hole was made at the height of about a yard from the ground.

Thus the two witnesses again contradict each other.

The witness Ohannes said the things taken out of the house amounted to six loads. Boghos said they amounted to only two loads.

Ohannes said the moon was shining while the crime was being committed. Boghos said that, though there may have been moonlight on that night, the moon had not come out at the time in question.

With regard to the charge of extortion: examined by the "Juge d'Instruction," Hadji Kivork said that, about twenty-two months before, Moussa Bey, with four persons, whose names the witness gave, and five others, whose names he did not know, came on a winter evening, at 11 o'clock, to Migherditch's room and tied up Migherditch's father, Ohannes, and elder brother, Carabet, and extorted 20 liras from them, and that while the money was being collected Ohannes and Carabet remained tied up for four or five hours.

Minas said that a year and a-half ago, in the season of a Christmas fast, on a Saturday, Moussa Bey, with three persons, whose names the witness gave, and about fifteen others, whose names he did not know, entered Migherditch's house, and tied up Ohannes and Carabet to pillars, and took from them 20 liras before they would let them go, and they remained tied up for two or three hours.

Thus these two witnesses contradict each other, in their examination by the "Juge d'Instruction," as to the date of the occurrence, as to the time during which Carabet and Ohannes remained tied up, and as to the number of Moussa Bey's companions.

Minas also said that the villagers were all frightened, and none of them ventured near the house while these things were going on, and that he himself was looking after Moussa Bey's horses outside the house.

In a further statement the same witness said that some villagers came to Moussa Bey, and begged him to let the men go, and that he (the witness) went in and saw the villagers beseeching Moussa Bey.

These two statements of this witness are inconsistent with each other; and the inconsistency remains unexplained in the trial.

In the trial Hadji Kivork said that Moussa Bey came with ten horsemen; Minas said that he came with Chalo Murad and Omar Bey and some others, making five or six horsemen in all.

Thus the two witnesses contradict each other in the trial, and Minas contradicts what he said in his examination by the "Juge d'Instruction."

Hadji Kivork said that the 20 liras taken by Moussa Bey was all in Ottoman gold liras. Minas said that some of it was in medjidiés and some in liras.

Hadji Kivork said that he was present when Carabet and Ohannes were tied up. Minas said that no one but himself was present, and that Hadji Kivork came when the money had been given to Moussa Bey.

These two witnesses said that Carabet and Ohannes were bound to two different pillars. But Carabet, in presenting his claim as "partie civile," said that he and his father, Ohannes, were both bound to the same pillar.

Hadji Kivork said that first Carabet was let loose and then Ohannes. Minas said the opposite.

Minas said before the "Juge d'Instruction" that the crime was committed in the daytime, at 11 o'clock. In the trial he said it was committed in the night at bedtime.

With regard to the murder of Malkhass—

Papas Kaspar said, in his examination by the "Juge d'Instruction," that two and a-half years before, on a winter evening at 11 o'clock, he went to the threshing-floor of Demetri, and asked him for 5 piastres; that Moussa Bey was sitting alone opposite the threshing-floor in a ditch, at a distance of fifteen or twenty paces from the

threshing-floor; that three men were coming from the mills, and one of them was Malkhass, and when Malkhass was at a distance of four or five minutes' walk Moussa Bey shot him.

Papas Demetri said (in examination by the "Juge d'Instruction") that two years and eight months before, in the month of February, one Sunday evening at 11 o'clock, Papas Kaspar came to him to ask for 5 piastres; that they were talking together on the threshing-floor when Moussa Bey came by, and went down into a ditch which was behind the straw-barn; that the ditch was 5 paces from the barn; and that Moussa Bey took aim at Malkhass, who was from 150 to 200 paces off, and shot him; and that the air was filled with smoke.

Thus these two witnesses contradict each other as to time, as to distance, and as to place.

Papas Demetri said that after Malkhass had been shot, he (Papas Demetri) went to his house, and gave Kaspar the 5 piastres. Papas Kaspar said he never got the 5 piastres.

Papas Kaspar said that Moussa Bey called him and Demetri to Malkhass' house, and bade them with threats bury the body without saying anything about the affair, or giving information to the authorities.

Papas Demetri said that Moussa Bey called them twice to Martiro's house, and there uttered the threats and gave the orders referred to.

Thus on these points also the two witnesses contradict each other.

In the trial, questions were put touching these contradictions.

The contradictions in the evidence given before the "Juge d'Instruction" with regard to the distance between Moussa Bey and Malkhass, and to the payment of the 5 piastres, remained unexplained in the trial.

Further inconsistencies appear in the accounts given by these witnesses of the place where they were sitting, and of the ditch where Moussa Bey was sitting.

According to the account given by the two witnesses in the trial, the ditch in which Moussa Bey was sitting was behind the straw-barn, and the witnesses were sitting on the threshing-floor in front of the straw-barn, and the front of the straw-barn looks on to the road to the mills.

Now, this is inconsistent with the description of Moussa Bey's position in the ditch given by Papas Kaspar in examination by the "Juge d'Instruction."

Again, the witnesses being (according to their evidence) in front of the straw-barn could have seen people coming from the mill, but it seems impossible that the witnesses should have seen Moussa Bey aim from the ditch behind the barn, and that Moussa Bey should from behind the barn have aimed at and shot Malkhass, who was coming from the mill.

Accordingly the evidence of the two witnesses cannot be accepted as satisfactory on these points.

Questioned as to these inconsistencies, Papas Demetri made a further statement that Kaspar and himself came behind Moussa Bey and approached a little nearer to him; but this adds another to the self-contradictions of these witnesses, who had already stated that they remained in the threshing-floor and saw Moussa Bey from it.

Papas Kaspar said before the "Juge d'Instruction" that he did not know whether there was snow or not at the time. In the trial he said it was snowing then.

Papas Demetri said, both before the "Juge d'Instruction" and in the trial, that the weather was cloudy.

Papas Kaspar first said it was not cloudy, and afterwards that he was not sure about it.

Papas Kaspar said before the "Juge d'Instruction" that next morning Moussa Bey summoned himself and Demetri to Malkhass' house and uttered the threats, and gave the orders which have been referred to. In the trial Papas Kaspar said that Moussa Bey summoned only himself and not Demetri to Malkhass' house.

Papas Demetri said that Moussa Bey summoned the two of them to Martiro's house. On being questioned in the trial with regard to this contradiction, he said he did not remember very well what happened; but that Moussa summoned him (Demetri) to Martiro's house, that they then went to Malkhass' house, and that he there saw Kaspar. The witness thus thought to reconcile the two stories, but, in this later evidence, he absolutely contradicts the definite statement which he repeatedly made before the "Juge d'Instruction."

Asked who the two men were who were coming with Malkhass from the mill, the two Papases declared they could not say what their names were, that they could not distinguish their faces, but that the men were of the same village as themselves.

It was repeatedly put to the Papases that they would naturally have spoken to the two men, and gone together with them while Malkhass was being carried home, but the Papases persisted in saying that they could not tell who the two men were.

As to the statement of the Papases that they were present at the marriage of the girl given by Moussa Bey to Malkhass' son Usb, the Papases being questioned said they did not know the girl's name.

Papas Demetri said that Moussa Bey spent the night of the murder in the house of Martiro. And Malkhass' widow Komash, "*partie civile*," said that that her husband died during the night, that she told no one of it, that Moussa Bey did not come into her house, but that at the time when the corpse was about to be buried she saw him outside her door. Hence it appears that Moussa Bey having been informed of Malkhass' death on the day after the alleged murder, some considerable time must have elapsed before the burial for Moussa Bey to have summoned the Papases, and threatened them and given them orders to bury Malkhass. But Papas Kaspar said he buried him immediately after sunrise, and Papas Demetri said he buried him at 2 o'clock.

Besides the contradictions and inconsistencies which have been enumerated we have then on a cloudy snowy day (according to Papas Kaspar's evidence), at a distance of five minutes' walk according to Kaspar, or 150 or 200 paces according to Demetri, three men whom Kaspar and Demetri are unable to distinguish, and Moussa Bey distinguishing Malkhass amongst the three, and aiming at and shooting Malkhass.

Further, before the "*Juge d'Instruction*" the two Papases took the oath without hesitation and answered the questions without the help of an interpreter, whereas at the trial they for a long time refused to take the oath, and, saying they knew no Turkish, proposed that an interpreter should be appointed, and they even declined to give their names. And Demetri, on the plea that he knew no Turkish, would not answer the questions otherwise than in Armenian. But afterwards, when they had taken the oath, the two Papases gave their evidence in good Turkish. Hence the bad faith of these witnesses is evident.

It is worthy of notice, too, that whereas all the four crimes with which Moussa Bey is charged are alleged to have been committed in the village of Ardonk, so that the villagers would all know of them, two villagers are produced as witnesses against Moussa Bey in each of the four cases, and none of them has any information to give about any of the charges but the particular one which he is called to prove; indeed, most of the witnesses say that they know of no other offence committed by Moussa Bey.

If, in face of all these contradictions and inconsistencies, proceedings appropriate to cases of false testimony were not taken against the witnesses, the 281st Article of the Code of Criminal Procedure would be left unenforced. Accordingly it was demanded in the interests of public justice that proceedings for perjury should be instituted. The advocate for the "*partie civile*" urged that such proceedings could not be taken until the accused had been acquitted. To order such proceedings to be taken before judgment had been given on the accused's case would have been taken as an expression of opinion on his case, and the proceedings referred to could be just as well taken after the close of the trial. Accordingly for the present the advocates were called upon to sum up their cases.

The Public Prosecutor, Halid Bey, said: Proceedings for perjury must evidently be taken against the witnesses, but these proceedings were deferred, and he would sum up his case as requested. It was not necessary for him to go through again all the contradictions which showed the falseness of the evidence given against the accused. He would refer only to the evidence given before the "*Juge d'Instruction*" by Migherditch in the arson case. Migherditch said that he saw Moussa Bey with his companions surround the burning barn with arms in their hands and prevent any one from approaching to put the fire out. This was entirely contradictory of the account which the other witnesses gave of the fire. If such a cordon were formed, how could the men inside the barn, of whom the other witnesses speak, have escaped? He was completely satisfied that the charges were trumped up, and it would not be consistent with his duty to ask for the condemnation of the accused. However, the case was in the hands of the Judges, who would give their decision uncontrolled by his opinion.

Next the advocate for the "*partie civile*," Simon Tinghir Effendi, read a paper giving a summary of the whole case, and calling special attention to two points:—

1. As to the inconsistency between the evidence given in the inquiry at Moush and that given at Constantinople in the preliminary inquiry, and in the inquiry by

the "Juge d'Instruction," and in one matter in the trial itself. The record of the preliminary inquiry at Constantinople could not be considered as an official record. The inquiry at Moush had been complained of, and in answer to the petition of complaint His Majesty the Sultan had referred the case to the Courts of Constantinople. Accordingly no stress could be laid on the Moush inquiry.

2. The witnesses were simple men who had passed their lives in their village, and discrepancies in details must be expected.

Next the prisoner's advocate, Izzet Effendi, read his speech. In three of the four cases the prosecutors had failed to establish their positions as "parties civiles" as to Migherditch's charges. As to the arson, Migherditch said that the clothes of the two men inside the barn were burnt, but their bodies seemed not to have borne any marks of the flames. This was absurd. Why, again, should he have put his property for safety in a lonely exposed barn rather than keep it in his house?

From the 1st page of the third examination by the "Juge d'Instruction" the advocate read out the following:—

"*Juge d'Instruction*.—How did you see Moussa and his companions set fire to the barn?—*Migherditch*. I was called by Boghos and went to the scene of the fire, where I saw Moussa."

The same witness had already said in the preliminary inquiry that he was at Bitlis on the night of the fire.

"*Juge d'Instruction*.—How did you see it if you were at Bitlis?—*Migherditch*. I have made a mistake; it is true I was at Bitlis—my brother and another villager went and saw the fire."

Boghos' story that he went to Migherditch and told him of the fire was then also without foundation.

Again, from the record of the proceedings which took place at Moush three years ago it appeared that Migherditch's father did not originally charge Moussa Bey definitely with the arson, but said it was done either by Moussa Bey or by Suliman Bey.

Migherditch alleged that the villagers were afraid to give evidence in the Moush inquiry. But this was false, for most hostile evidence was given against Moussa Bey by his enemies from the village in that inquiry.

As evidence of motive Migherditch alleged that Moussa Bey was angry against the villagers of the district because they had declined to present a testimonial to Moussa with a view to getting him restored to his position of Mudir. But this would have been a cause of quarrel with all the inhabitants, not with the family of Migherditch in particular. The fact, too, that the villagers would not present a testimonial in favour of Moussa Bey shows how little they were afraid of him.

Again, Moussa Bey's brother, who was accused by Migherditch of taking part in the arson, was at the time in question a boy of 9 or 10 years of age.

As to the charge of housebreaking and robbery, Migherditch said no complaint was brought before the local Court. This was false; information was given in the matter to the local Court against the Dervish Hachou Oghlu, of the village Martik. Moussa Bey was a rich man, in a good position, and evidently would not take part in such a burglary.

The advocate then read from the 2nd page of the record of the inquiry by the "Juge d'Instruction":—

"*Juge d'Instruction*.—Did any men see the robbery?—*Migherditch*. Boghos, Vartaman, and Minas, and Hadji Kivork saw it."

Minas could give the "Juge d'Instruction" no evidence about the robbery, but could only tell about the other case, that of extortion. It is evident the witnesses had not been assigned the proper parts they should take.

Again, in the preliminary inquiry Migherditch said he did not know the names of those who saw the arson being committed. When asked, in the subsequent inquiry by the "Juge d'Instruction," why he had not mentioned before the names which he then mentioned, he said that perhaps the examining official in the preliminary inquiry had not understood his answer.

[To be continued.]

Extract from the "Jeride-i-Mehakim" of January 16, 1890.

(Translation.)

To another question he answered, "I said my brother is coming." Now, the first statement of a plaintiff, informer, or accused is generally not more worthy of credence,

and with regard to this, as the witnesses were not yet procured at the time of the first investigations, it is natural that he should not have known their names, so that no doubt remains but that these witnesses were procured afterwards.

13. Whereas Migherditch, before the "Juge d'Instruction," on the one hand imputes these crimes to Moussa Bey in person, in reply to a question asked on the 3rd page of the *procès-verbal*, he says, "There is no need for Moussa to come; he gives orders to his men, sends them, and makes them do it," thus stating that Moussa was not present in person at the crimes in question.

14. Migherditch, not content with accusing Moussa of arson and theft, also taxes him with an act of robbery with violence. Now Migherditch, in his statement, which was taken down, declares that he came to Constantinople at the time that the theft took place, two months after the fire; and as for the robbery, as it took place two and a-half months after the theft, according to his statement, by this calculation it must have occurred four and a-half or five months after the fire, so that Migherditch, who is understood to have been in Constantinople at that time, declares that he saw Moussa and his companions commit an act which occurred at Moush.

15. Migherditch, in his deposition, says that of the witnesses, Boghos veled Bedian knows about the robbery; but Boghos declares that he knows nothing besides the evidence about the fire, and so contradicts Migherditch.

16. The discrepancy in Migherditch's statements that he came to Constantinople two months after the fire, and had been there for three years, and that (while he was here) he had seen a robbery committed at Moush, attracted attention during the "instruction," and he was asked, "How many months after did you come to Constantinople?" and replied, "Three months after," and thus contradicted both his own statement on the 1st page of the *procès-verbal* and his own words with regard to the robbery. In short, a number of similar strange circumstances suffice to prove that Migherditch is slandering Moussa Bey.

As for the discrepancies in the statements of Boghos veled Bedian, one of the witnesses to the act of arson—

1. Boghos, during the "instruction," dates the fire at about 5 o'clock on Thursday night, the 24th July, three years ago, while in the presence of the Court he contradicts his former statement and makes the fire occur at about half-past 3 or 4.

2. As the nights in summer are very short, everybody would be asleep, whether at 4 or 5 o'clock, especially a labourer like Boghos, tired out with work, so that his statement, "I was sitting in the threshing-floor and saw the flame appear," is not convincing.

3. Boghos, before the "Juge d'Instruction," declared that, on seeing the fire, and going to Migherditch's threshing-floor, he found Moussa with a blazing torch in his hand in the act of setting fire to Migherditch's haystacks and barn, and that, on his crying out, "Moussa is firing Migherditch's barn and hay," the villagers came, after which Moussa fired a few shots in the air and made off; but in Court he declared, in opposition to his former statement, that the villagers came after Moussa had fled.

4. Boghos has maintained all through that between Migherditch and his own threshing-floor is one other threshing-floor, and another witness, Agop veled Parma, admits that between his floor and that of Migherditch there are six threshing-floors. Now, besides the fact that each floor is five minutes distant from the next, the stacks of hay, which obviously would stand in the space between, must naturally prevent their seeing Migherditch's barn and threshing-floor, and their assertion that they saw from such a distance is in opposition to the circumstances and to the human faculties, and an impossibility.

5. The above-mentioned Boghos and Agop even contradict one another as to the material of which the torch was composed which they say they saw in Moussa's hand.

6. Whereas most people dislike leaving their occupations to appear as witnesses, and it is difficult to get witnesses from the nearest quarter of Constantinople unless they are summoned to appear under legal penalties, the aforesaid Boghos and Agop, in spite of their poverty, left their work and came all the way to Constantinople from Moush. They even stated before the "Juge d'Instruction" that Carabet, the brother of Migherditch, paid their travelling expenses. This establishes the fact of their having been encouraged and incited.

7. Even if there were not other stacks between the threshing-floors of Agop and Migherditch, Agop, as was seen in Court, is deprived of the powers of sight and hearing, and naturally could not hear or see half-an-hour off at night-time, so that his statement that he heard and saw is contradicted by the evident condition he is in.

8. As the threshing-floor of Boghos is near that of Migherditch, he got to the fire before Agop, saw the barn burning, and gave the alarm. This is his own statement; but yet Agop, who went afterwards, bears witness of having seen the fire started, which he clearly could not have seen.

9. As has just been shown, both Agop and Boghos cannot have seen Moussa set fire to the stacks. If Boghos saw him, Agop who came after cannot have; and if Boghos went off to alarm the villagers before Agop came, he cannot have seen it. In any case their evidence of both having seen it must be dismissed.

10. Boghos and Agop before the "Juge d'Instruction" declare that they did not see each other at the place of the fire, but they change their statement before the Court.

11. Agop states that in their villages there are seventy or eighty threshing-floors, and that each person lies on his floor, in which case all must have seen, whereas only Boghos and Agop came forward to give information.

12. Evidence ought to confirm the claim or information of the plaintiff or informer, but none of these men's statements agree in a manner which can be accepted with those of the others. Again, the threshing-floor which is said to have been burnt is very close to the Government centre, and the authorities would certainly have gone to the place of the alleged crime and investigated it and drawn up a report; but the absence of these things deprives the statements, both of the informer Migherditch and of the witnesses of the fire, of any weight.

As for the discrepancies in the statements of the witnesses to the act of burglary by piercing the wall, they are as follows:—

1. Ohannes during the "instruction" declared that he had not witnessed the act which is imputed to Moussa, but said, on hearsay evidence, that Moussa and Omar Beys with Chali Murad made a hole in the wall of Migherditch's house and entered it; but, on the "Juge d'Instruction's" questioning him as to how many minutes they took to make the hole, he developed his ideas and gave evidence as if he had seen it himself.

2. The said witness, Ohannes, in his deposition, said that among the things stolen was a bed, while before the Court he denied this.

3. Besides, the absurdity of this witness' statement that a stone wall one arshin thick can be pierced within a quarter of an hour with sticks, he declared before the "Juge d'Instruction" that they had stolen a bracelet and necklace, but before the Court said nothing at all about the bracelet, and, on being questioned on this point, owned that this part of his statement was hearsay, which shows that he had been drilled and encouraged.

4. All information agrees that at the time of the occurrence the moon had not yet risen, so that the witnesses Ohannes and Boghos could naturally not have seen anything, yet they came forward to give evidence.

5. Both Ohannes and Boghos being watchmen charged with the protection of the village, their duty was to give notice of the occurrence to the inhabitants at once, and from their statement that they reported the matter afterwards, and from the absence of any official report of the discovery, which is essential, it is proved that the theft never took place.

6. Of the two men above mentioned, Boghos declares that on that night he was strolling round with the other witness Ohannes and other persons, and when they went into Migherditch's room to rest they saw the occurrence; but Ohannes tells a different tale; and whereas the other persons stated to have been with them must also have seen what happened, the fact that no one is found to bear witness besides themselves proves that they are telling a lie.

7. The witnesses state that at the time of the theft the people of the house were asleep; but no matter how fast asleep they were surely one of them would have heard a stone wall being pierced and a theft committed; but to say no one heard it is contrary to common sense.

8. Even allowing these two men to have been threatened by Moussa at the time of the occurrence, they would, even though secretly, have informed Migherditch and his father Ohannes of the circumstance, yet they kept silence then, and now come forward as witnesses against him. And at that time while Ohannes, father of Migherditch, was bringing an action against Hachou Oghlu Dervish in the place, he did not bring forward these witnesses, which circumstances leave no doubt but that these two men, Ohannes and Boghos, had been taken away to throw light upon the charges made against the speaker's client, Moussa Bey.

And as for the discrepancies in the statements of the witnesses to the robbery—

1. The witnesses, Kivork and Mainas, declare in their depositions that Moussa Bey came with his companions at 11 o'clock and bound Migherditch's father, Ohannes, and brother, Carabet, but before the Court they contradicted this and said he came at night.

2. These witnesses said that no one dared to go near for fear of Moussa, so that naturally they could not see whether he bound any one or ordered any one to be bound. Yet now they come forward to give evidence.

3. Whereas both these witnesses in their depositions declared that the money procured for Moussa was in liras, and one of them, Kivork, confirmed his deposition before the Court; the other, Mainas, in contradiction both to his own words before the "Juge d'Instruction" and to Kivork's statement, said that the money was partly liras and partly medjidiés.

4. The fact that the season of the year was unfavourable proves the story of Ohannes having gone by night with his daughter-in-law and wife to the village of Varterss to find money to be without foundation.

5. The said Mainas told the "Juge d'Instruction" that when Moussa Bey came he was outside looking after the animals, but before the Court he said something different.

6. A person bound to a post is not in a position to give money with his hand, and the statement of the witnesses that Carabet counted the money and gave it with his own hand is contrary to truth; nevertheless, of the witnesses, Hadji Kivork said in Court that they released first Carabet, then his father, while Mainas told the reverse of this.

7. The private prosecutor, Carabet, said in his complaint: "They bound me and beat me for four or five hours till they got the money;" but the evidence does not agree with this.

These discrepancies are sufficient to establish the fact that the witnesses who have been heard are false witnesses.

As for the contradictions and discrepancies in the statement of the private prosecutrix, Kumash, and the witnesses heard on this point, they are the following:—

1. The village of the woman Kumash being so close to the Local Government there would naturally be an investigation and a report, which, however, is wanting; the woman Kumash's statement of ignorance as to the direction from which her husband Malkhass' wound proceeded, and the fact that Malkhass was removed after death without being examined, go to show that he died a natural death. Further, according to the statements both of the woman Kumash and the witnesses, the speaker's client, Moussa Bey, was said to have slept in the village of the murdered man, Malkhass, after committing the deed; now admitting that Moussa did stay in the village, this does not agree with the supposition of his guilt, but makes it improbable, seeing that a man who has committed a grave crime like murder is not likely to sleep in that same village.

2. Neither the woman Kumash nor the witnesses know who the villagers were who are alleged to have been with Malkhass, though they would necessarily learn their names.

3. The witnesses declare that Moussa came the day after the deed to the house of Malkhass, and ordered them to take away the body; but the prosecutrix contradicted them before the Court, and said, "Moussa Bey did not come to our house." Thereupon, on being confronted with the witnesses, she tried to twist her statement round, and said, "He came, but stayed outside the door." But both she and the witnesses agree in stating that Malkhass' house had only one room, and as the priests produced as witnesses say that Moussa came inside and gave his orders, this attempt at explanation cannot be accepted.

4. The woman Kumash, on learning her husband's death at the hands of Moussa Bey, would naturally be so agitated that she would inform the neighbours; but she declares that she told no one about it, which goes to show that the wound was never inflicted.

5. One of the witnesses, the priest Kaspar, declared before the "Juge d'Instruction" that the ditch over which Moussa took aim at Malkhass was 15 or 20 paces distant from where they were standing, while another witness, the priest Demetri, puts the distance at 5 paces. Thus they differ largely, even on this point.

6. The priests say that the weather that day was misty, and that on that account they could not recognize people coming from the mill, in which case neither they nor Moussa would be able to see people coming; and even supposing there were no mist,

it is naturally impossible that Moussa Bey should be able to identify and take aim at Malkhass at a distance of 200 paces, and such unnatural evidence being given by the priests points to their not speaking the truth.

7. Priests being spiritual officials, and in the service of humanity, they are bound to rival others in helping their fellow-creatures, yet they say they returned home carelessly as if no crime had been committed, and said nothing to anybody, which points to the non-existence of the alleged crime.

8. The priests who bear witness declare that the villagers were on their roofs and saw the deed, yet besides themselves there is no one who gives information.

9. The fact that the witnesses refuse the oath, and avoid speaking Turkish, establishes the nature of the affair, and their complicity in falsehood. Further, this evidence is contradicted by Usb, the son of Malkhass. All these circumstances established during the trial are more than sufficient to prove the innocence of Moussa Bey, who ought, therefore, to be acquitted.

It being nearly 11 o'clock, the Court was adjourned till Monday, the 20th.

Fifth Sitting.

On the day mentioned the accused, Moussa Bey, was, in accordance with the law, brought from prison, and the two parties being present as before, the trial was continued.

Mohamet Ali, one of the counsel for the defence, read his defence, which was a repetition of that of the other counsel, Izzet Effendi.

Then Simon Effendi, counsel for the private prosecutor, replied as follows:—

The defence of the accused's counsel related to discrepancies in the evidence, but as they themselves did not deny the presence of such discrepancies, there was no need to reply to the defence.

But the four points contained in the paper he had read at the last sitting had not been answered. They were—

1. Is the Report embodying the preliminary investigations conducted by Ibrahim Bey, member of the Court of Cassation, to be considered an official document or not?

2. Are the said preliminary investigations, together with the examination conducted on the spot, to be adopted as the basis for the inquiries which are being conducted here in conformity with the Imperial Iradé which was issued at the instance of the private prosecutors?

3. Are the discrepancies in the evidence essential or accidental?

4. If these discrepancies are in accidental matters, taking into account the fact that the witnesses come from the provinces, and are ignorant people, will this contradiction affect essential points of evidence in which there is no discrepancy?

Izzet Bey, one of the counsel for the defence, replied that the investigations conducted by the said Ibrahim Bey in virtue of his office, and the Report embodying them, were accepted, and that as they were not being considered as influencing the judgment, no reason remained for objecting to their being adopted as the basis for the investigations here. He dwelt on the presence of contradictions in the evidence, and remarked that, though it was claimed that the contradictions were accidental and not essential, yet accidental discrepancies showed the nature of the case and affected the essential points.

The Public Prosecutor, Khalid Bey, said that, as the last word belonged to the accused or his representatives, in order that their rights should be protected, he himself would say a few words on the statements made by Simon Effendi, counsel for the private prosecutor.

Although the points which Simon Effendi declared had remained unanswered apparently concerned the counsel of the accused, yet as among them there were two points affecting claims made with regard to the witnesses, he considered it within his province to reply to these. These two points were: (1) that the preliminary investigations conducted by Ibrahim Bey and the local investigations should not be taken as a basis for contradicting evidence given before the Court; (2) that the contradictions were accidental and not essential.

But the preliminary investigations of Ibrahim Bey were not used to show contradictions in the evidence; and as for the papers belonging to the local investigations they were drawn up in accordance with the law and signed by the witnesses, the "Juge d'Instruction," and the reporting clerk, and therefore were good evidence; and as for

the alleged contradictions, they occurred in the statements made by the witnesses before the "Juge d'Instruction" and in Court, and therefore Simon Effendi's argument on this head was to be rejected.

As for the second point, which regards the basis on which to examine evidence, it is impossible to conceive a witness who would first say, "I saw," and afterwards, "I did not see;" for it is not probable that any one would produce a witness and bring him before the Court, who, after being trained to say "I saw," would say "I did not see;" and therefore Simon Effendi's division of evidence into two parts, what is essential, and what is accidental or accessory, does not form a convenient basis for the examination of evidence. Besides, by the 281st Article of the Criminal Code of Procedure, if a witness appears to be telling a lie, the Public Prosecutor, or the accused or his representative, or the President of the Court on his own account, may demand his arrest and interrogation; and it is clear that a legislator inserts no futile Article, but makes laws for occasions which happen most often. In the said Article 281 the examination of the truth is not divided into what is essential and what is accidental, and such a division is impossible from the point of view of common sense as well as from that of law. Consequently, in order to understand whether the statement of a witness that he saw is true or not, the reasons which would cause him to see, and the circumstances and conditions connected therewith, must be examined, and the truth or falsehood of the witnesses determined in this way. The investigation before the Court was conducted from this point of view, and the result was that the discrepancies which were evident in the statements sufficed to prove their falsehood. As for the details of these discrepancies, they had been explained already, and it was not necessary for him to go over them again.

Thereupon the counsel of the accused repeated their former defence, and both sides declaring they had no more to say, the trial was declared complete, and the Court retired to deliberate.

The Court decided, after hearing both sides and studying the documents, as follows:—

The circumstances against Moussa Bey, with regard to his having committed the deeds with which he is charged, consist of the evidence which we have heard. Now of the witnesses to the act of arson, Boghos veled Bedian said that Moussa was alone and set fire to the stacks with a naphtha torch, while Agop veled Parma says that the incendiaries were Moussa and his brother-in-law Omar Bey, and that they had common wax matches in their hands; but the same thing cannot be seen to happen in two ways at the same time. And since Agop veled Parma went to the scene after Boghos he cannot possibly have seen the fire started. Again, since these two informed Ohannes, the owner of the property, after the fire had been caused by Moussa Bey, Ohannes when he applied to the Government of Moush about this fire would naturally have brought these two men forward, but from information on the spot it appears that he could not prove his case. From the statements of Boghos and Agop it appears that at the time of the deed all the villagers came to the spot and saw the fire, yet no one besides these two comes forward to give evidence.

Of the witnesses to the piercing of the wall and act of theft, Ohannes veled Moukhtar says he saw Moussa do this deed while alone, but another witness, Boghos veled Vartan, contradicts him. There is even a difference between them as to whether it was moonlight at the time or not. As they both saw the thing together, they must both have seen how much property Moussa and his assistants took away, but one says two loads, and the other six.

Again, it is impossible that they can have made a hole with their sticks in a quarter of an hour through a wall which all accounts agree to have been of stone, and 1 arshin thick.

Again, those who give information about the robbery of 20l., with violence, differ in their accounts as to the time of the deed, the number of the robbers, and the manner in which it was done; and on their being confronted, they even differed as to the kind of money which they said was given to Moussa by Carabet.

As to the accounts of the murder of Malkhass, while he was said by the priests, Kaspar and Demetri, to have been wounded by a bullet fired by Moussa at a distance of five minutes, yet both agree that the weather was misty and cloudy, and that it was evening; and it is absurd to suppose that Malkhass, who could not be recognized by the two witnesses, should have been identified by Moussa, aimed at, picked out from among his companions, and wounded. Further, the Report of the inquest, which was clearly indispensable, is missing, and the whole account is contradicted by the son of Malkhass, Usb.

In short, the accounts differ altogether one from another, and the circumstances are quite insufficient to carry conviction.

Therefore, Moussa Bey is acquitted of the above accusations, on the count of arson and robbery, by a majority of votes; on the count of piercing the wall and stealing, unanimously; and on the count of the murder of Malkhass, because the majority of two-thirds necessary to convict was not secured, and, unless arrested on other accounts, he shall be released.

9 *Rebi-ul-Akhar*, 1307 (*November 20, 1305*).

No. 40.

Sir W. White to the Marquis of Salisbury.—(*Received January 10.*)

(Extract.)

Constantinople, January 4, 1890.

YOUR Lordship is aware from my previous Reports how I have not ceased to represent unofficially, but no less pressingly, on that account, the trial of Moussa Bey, and that from the moment when, on the 19th May, at my interview with the Sultan, I obtained His Majesty's assurances that he would be brought to Constantinople and tried here for his alleged offences.

After his late acquittal by the Criminal Court, the case looks indeed a hopeless one.

It was evident that there was a large and powerful clique at Constantinople ready to go any length to prevent this Kurdish Chieftain from being punished.

The lawyers for the Armenians had indeed lodged an appeal against the sentence of acquittal to the Court of Cassation, but I have since ascertained that in criminal cases, though this Court may annul for irregularities the sentence of a Criminal Court, it cannot deprive the accused of the full benefit of his previous acquittal.

When the case looked almost hopeless, I determined to send a short message to the Sultan, and received a powerful assistance from my colleagues in a way which I hardly expected.

M. de Radowitz had communications with the Palace. This step on his Excellency's part was followed by similar communications with the Palace by Baron de Calice, and subsequently by the Chevalier Tugini, who obtained authority to that effect from Signor Crispi.

Sir A. Sandison reports to me that Sureya Pasha, the Sultan's First Private Secretary, charged him with a message from His Imperial Majesty for me to the following effect:—

"That the institution of the existing Tribunals having been effected under his reign, His Majesty had never ceased to watch over the proper administration of justice as regards all classes and creeds, and that he would be pleased to issue fresh orders commanding the Minister of Justice to see that Moussa Bey's case is treated with full justice and equity."

Such is the situation of this painful case at the present moment.

No. 41.

The Marquis of Salisbury to Sir W. White.

Sir,

Foreign Office, January 24, 1890.

I HAVE already approved the various steps which your Excellency has from time to time taken in regard to the accusations made against Moussa Bey and the recent abortive legal proceedings at Constantinople.

Her Majesty's Government rely on your Excellency not to relax your endeavours to have justice done in this case. They leave it to your discretion to take every fitting opportunity to impress upon the Government of the Sultan the danger of allowing the continuance of such a state of things as has been shown to exist in the districts of Van, Bitlis, and Mush.

All the Sultan's subjects, whether Christian or Mahomedan, have a right to be protected against outrage to their persons and property, and unless they can obtain proper remedy in the Courts of Justice the discontent caused by failure to get redress will constitute a serious danger to the Ottoman Empire.

I am, &c.

(Signed)

SALISBURY.

FURTHER CORRESPONDENCE

RESPECTING THE

A F F A I R S O F C R E T E .

[In continuation of "Turkey No. 2, 1889 : " C. 5823.]

*Presented to both Houses of Parliament by Command of Her Majesty.
March 1890.*

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Further Correspondence respecting the Affairs of Crete.

No. 1.

Consul Biliotti to the Marquis of Salisbury.—(Received September 1, 8 A.M.)

(Telegraphic.)

Canea, Crete, August 31, 1889, 9.40 P.M.

A PROCLAMATION was issued by the Vali on the 28th instant to the following effect:—

“Owing to the presence of troops in the neighbourhood of the towns, the irritation which existed between the rival Christian parties, as well as between Christians and Mussulmans, has to a great extent disappeared; it now becomes necessary to send troops to other parts of the island from which no information has been received, and to station them wherever agitation and disorder still prevail.

“As announced in an earlier Proclamation, quiet and orderly people have nothing to fear from the troops, whom they should receive with confidence, applying to them for the protection of their lives, their honour, and their property. But any person, whether he be Christian or Mussulman, who ventures to oppose the troops, or who is caught carrying arms for that purpose, will be liable to severe punishment at the hands of the military authorities.”

The troops left early this morning, having waited for the arrival of five battalions which were expected.

The Vali has refused to have anything to do with the manifestants so long as their companions are in arms; but, with the exception of my former clerk, they have written to recommend the inhabitants of the country districts not to resist the advance of the troops.

Cacouri and his followers have returned to their homes from Apokorona in consequence of dissensions having arisen amongst them.

The people of Alikianou have addressed a Memorial to the Vali and to the Consuls expressing their earnest wish for peace and tranquillity.

No. 2.

Consul Biliotti to the Marquis of Salisbury.—(Received September 1, 8 P.M.)

(Telegraphic.)

Canea, Crete, September 1, 1889, 5 P.M.

ON the 1st instant, in consequence of the rumours which reached me, I spoke to the Vali on the subject of the profanation of Christian tombs in the village of Perivolia. His Excellency had already heard the rumours referred to, but on making inquiries had been informed that nothing of the kind had taken place.

At my suggestion, a fresh inquiry was instituted by the Government, with the co-operation of the ecclesiastical authorities, and the rumours were confirmed. Search is now being made for the culprits. On the 31st ultimo, accompanied by the Commander and two officers of Her Majesty's ship “Fearless,” I visited the village of Galata, and ascertained that nearly all the Christian tombs had been violated, and that the churches had been defiled, and the wooden ornaments, the altars, pictures, and Gospels, entirely spoilt. The remains of the corpses had evidently been replaced in the tombs at a later period; but here and there a few bones were still to be seen.

It would seem that similar desecrations have been perpetrated all round the town of Canea, as some officers of the "Fearless" have seen a similar state of things in the village of Hikalaria.

The village of Perivolia is destroyed, and is still uninhabited, but troops were in charge of the place when these desecrations took place.

No. 3.

Sir E. Monson to the Marquis of Salisbury.—(Received September 2.)

(Extract.)

Athens, August 26, 1889.

THE "Palingenesia," an afternoon paper, in very intimate relations with the Government, has within the last two days published a letter from its Cretan correspondent, in which Mr. Biliotti is accused of being the author of much of the present trouble in Crete; and has also, in alluding to the telegram of the Athens correspondent of the "Standard" of the 24th instant on the probable refusal of concessions to the Cretans, spoken of the policy of Her Majesty's Government as perfidious and Machiavellian.

Although yesterday was Sunday, I came at once to town and saw M. Tricoupi, and to-day I called on M. Dragoumis, and to each I spoke in the following sense:

I said that, even although the "Palingenesia" has the reputation of being a semi-official journal, I did not attach any importance to its influence outside its circle of readers. That I had the same estimate of the importance of all the local newspapers. That consequently I made no complaint against the "Palingenesia," and begged that I might not be understood as doing so. That I could not, however, conceal from their Excellencies that I thought it a pity that a newspaper universally regarded as directly inspired by the Government should make such stupid and at the same time such baseless remarks about my Government and their Consul in Crete. And, finally, that I must assert in the most positive manner, what I hoped that they had no difficulty in believing, that Mr. Biliotti had throughout acted in the most honest, loyal, and impartial manner.

M. Tricoupi fully admitted the justice of all I had said, but observed that the Cretan correspondent of the "Palingenesia" was one of the most trusted leaders of the local Conservative party, and he knew that all the Conservatives shared the same opinion.

M. Dragoumis said that, of course, I knew that, as a matter of fact, the Government could not prevent the publication, even in journals friendly to themselves, of any extravagant or ridiculous articles which the editors choose to print.

I answered that I was well aware of this, and that I must repeat that I cared nothing for such puerile attacks, which could do no harm to Mr. Biliotti, and were beneath the notice of Her Majesty's Government. I thought it, however, a pity that one of M. Tricoupi's organs in the press should adopt the far too prevalent style of abuse in imitation of journals of less respectable connections.

No. 4.

Consul Biliotti to the Marquis of Salisbury.—(Received September 2, 2:30 P.M.)

(Telegraphic.)

Canea, Crete, September 2, 1889, 11.5 A.M.

MY telegram of yesterday.

I related to the Vali the facts which I had ascertained. His Excellency will visit the spot, and have the tombs restored before the inhabitants return. I have also reported to him that, although he had provided us with an escort, two sentries used offensive language towards us, and one of them spat upon a picture which we picked up. His Excellency promised that the culprits should be severely punished. Three unarmed Christians were shot at by soldiers on the 28th instant in the district of Keramia; one was killed and another wounded. The Vali sent for the whole of the company which was stationed at the spot, and paraded them before the third Christian, but he was unable to identify the offenders. The troops, both at Keramia and Galata, come from Syria, and the authorities themselves recognize that they are unfit to be employed on this service. The only plan is to keep them in the fortresses, for if they are posted at separate stations in the country, there will probably be some collision between them and the Christian inhabitants.

On my expressing this opinion to the Vali, his Excellency did not raise any objection.

Consul Biliotti to the Marquis of Salisbury.—(Received September 3.)

My Lord, *Canea, Crete, August 27, 1889.*

ON the 25th instant I had the honour to wire to your Lordship to the following effect:—

"The general situation of affairs in the island is satisfactory, and there are signs of improvement. Shakir Pasha has visited Candia, Rethymo, and Sitia, and the new Governor has arrived at Candia. At Rethymo an Acting Military Governor has been appointed, and a military cordon has been established round both towns. The country Christians have asked for and obtained troops for the protection of their villages. Tranquillity also prevails in Canea and within the military cordon; but small bands of Christians still fire volleys on the troops as they advance and occupy fresh positions. Some twenty Christians approached the outposts in the dark and wounded two of the soldiers, and it is rumoured that they also killed four or five of them.

"On the two following days reports of distant firing led to the supposition that the mountain guns were playing on Christian bands in the plain, very likely those of the manifestants. But nothing positive is known, great secrecy being observed as to the military movements.

"These aggressions on the part of Christians in the western districts compel the troops to advance with caution, and hence their movements are retarded.

"One thousand gendarmes and additional troops, with a few cavalry and transport animals, have arrived in the island."

Shakir Pasha is acting with energy, and at the same time with moderation. Troops were sent to all the Christian villages whose inhabitants asked for them, at Candia and Rethymo, but not so at Canea. All the Turkish officers there are under the impression that Christians are more inclined to resistance in the western districts than there is reason to believe they are. The occasional skirmishes which have taken place confirm them in that idea. However, there is nothing to prove that Christians at large are in arms in the western districts. On the contrary, according to all appearances, the small bands which are met by the troops are fractions of Cacouri's followers, who may have been joined by a few other Christians.

A longer delay in moving troops inland might be attributed by Christians in that part of the island to hesitation arising out of inadequacy in military forces, and might be an inducement for them to swell the ranks of the manifestants.

However, since yesterday troops are marched to the front.

There are now in Crete thirty-two battalions; five additional ones are hourly expected, and three more within a few days.

The Albanian and other gendarmes, 1,000 in all, who arrived lately, have relieved the troops in the police duties which they hitherto performed in the towns.

The disarmament which continues in and in immediate vicinity of the three towns almost exclusively affects Mussulmans.

Some days since, three Christians having been murdered at Selinos, and six, it is said, at Kissamo, Mussulmans apprehended retaliation on the part of the former, but hitherto no further regrettable incident appears to have occurred in either of those places.

However, communications being interrupted, and secrecy being kept by the military authorities, it is likely that we are unacquainted with more than one incident that may have taken place in inland districts, as well as on the line of the military cordon.

On the 23rd instant Behshet Pasha, the only Cretan Pasha on the island, who only last year was Mutessarif at Candia, was apprehended and sent out of Crete under the following circumstances.

He complained to Ibrahim Pasha, the former Military Commander, of intended arson on the part of soldiers of one of his farms. From words they came to a hand fight, when Behshet Pasha was arrested and marched under an escort of soldiers to the Palace of the Vali. I am told that he was exiled from Crete in consequence of an Imperial Iradé.

The example of the most exalted Mussulman in Crete not being spared will not be lost on his co-religionists as well as on Christians.

I have, &c.

(Signed) ALFRED BILIOTTI.

No. 6.

Sir E. Monson to the Marquis of Salisbury.—(Received September 3.)

(Extract.)

Athens, August 28, 1889.

M. DELYANNI, the ex-Prime Minister, and present nominal leader of the Opposition, returned to Athens from France last night, and was received at the railway station by a large number of partizans, who escorted him in procession to his house.

A demonstration of welcome had also taken place at Patras, where he landed, and where his party have recently been successful in the election of their candidate as Deputy.

M. Delyanni made speeches on both occasions, declaiming against the continuance in power of the present Government, which, according to him, is paralyzing the country.

My Turkish colleague told me yesterday that there is much apprehension at Constantinople lest the return of M. Delyanni should be the signal for an agitation in Greece which may force the Government to meddle actively in the affairs of Crete.

It seems also that in this capital there are many people who entertain similar fears.

No. 7.

Consul Biliotti to the Marquis of Salisbury.—(Received September 3, 8 A.M.)

(Telegraphic.)

Canea, Crete, September 2, 1889, 11.10 P.M.

TROOPS crossed the western districts without exchanging a shot. A few tithe-farmers excepted, all armed bands are dissolved, and Conservative leaders in flight or in their homes. Country Christians threatened the lives of two of them. Apokorona and Sphakia demand that authorities should return there.

I have just received an address from the district of Kissamo, in which signatories protest their wish for peace. Troops are asked from all districts by Christians.

The Governor of Candia intends to forward some to Monofatsi, where are most Turkish villages, and to reinstate Mussulmans in them.

Rethymo Christians are returning from inland districts to their villages. I have seen two Delegates from Selinos. They are animated with most pacific feelings, as are all the Christians of the villages they came across. They report the total casualties in their district to be one Mussulman murdered, one wounded; three Christians murdered, one wounded. The total damage at Selinos amounts to 100*l.* to Christians, and as much to Mussulmans. The latter are said to be returning to their houses.

No. 8.

Sir W. White to the Marquis of Salisbury.—(Received September 6.)

My Lord,

Therapia, August 30, 1889.

I HAVE the honour to inclose herewith a copy of a Report addressed by Shakir Pasha, Governor-General *ad interim* of the Island of Crete, to his Highness the Grand Vizier on the 17th instant.

In this Report his Excellency denies the statements contained in the Greek press of massacres committed by Mussulmans on Christians and defends the action of the former.

I have, &c.

(Signed) W. A. WHITE.

Inclosure in No. 8.

Translation of a Report from his Excellency Shakir Pasha, dated August 5 (17), 1889.

LES journaux d'Athènes continuent à publier des articles à sensation pour faire accroire que les Musulmans massacreront les Chrétiens et qu'ils se livrent sans cesse à

des actes d'agression contre eux. Ainsi que votre Altesse le sait, certains individus qui avaient eu le dessous dans les luttes de partis, ayant dans un intérêt personnel conçu le projet criminel de susciter des troubles, ont commencé par provoquer une effervescence dans les esprits et, se rendant auprès des Musulmans du village du Piscopi, situé aux environs de Réthimo, les ont engagés à émigrer immédiatement, en les avertissant d'une manière confidentielle et soi-disant bienveillante que dans le cas où ils ne quitteraient pas jusqu'au soir leur village, leur vie serait en danger, les insurgés s'appêtant à les attaquer la nuit même. Les Musulmans, trompés par cette ruse, se sont pressés d'abandonner leurs demeures pour se réfugier dans les villes, mais aussitôt après leur départ ils ont vu leurs biens et leurs maisons pillés et incendiés par les mains criminelles de ces Chrétiens mêmes qu'ils avaient pris pour des amis, ce qui naturellement les a plongés dans la désolation. Il est établi par les documents officiels ainsi que par un télégramme adressé par le Vice-Consul de France à Candie à son Consul à la Canée, dont copie se trouve dans les archives du Gouvernement, que les Chrétiens ont, peu de temps après, démoli le minaret de la mosquée du village Calios, dans le Sandjak de Spakia, la mosquée Kouhbéli, située dans le village de Vonkolis (la Canée) et bien d'autres édifices religieux, que parmi les Musulmans massacrés dans le village d'Agia-Yorghi, dépendant de Réthimo, il se trouvait un octogénaire, que toutes leurs maisons ont été brûlées, et que lorsque les Musulmans d'Abazia, dépendant de ce même district, ont quitté leur village, les Chrétiens les ont attaqués en route et ont violé leurs femmes ; tandis que les Musulmans, en présence des attaques auxquelles ils étaient en butte, n'ont fait que se défendre contre les agressions dirigées par les Chrétiens pendant les voyages qu'ils étaient obligés de faire pour recueillir la récolte laissée dans leurs villages, et qu'ils ne se sont livrés qu'à quelques actes de légitimes défense. Les dites feuilles dénaturant la vérité ont publié ces nouvelles mensongères dans le but d'exciter l'opinion publique contre les Musulmans, garder le silence devant ces allégations sera en quelque sorte les confirmer et établir en Europe l'idée que les Musulmans sont les auteurs de la situation actuelle de l'île, ce qui entraînerait des conséquences fâcheuses pour l'État. Aussi serait-il nécessaire de faire démentir ces publications par les journaux d'Europe, et comme les feuilles Hellènes continueront certainement à propager des nouvelles de cette nature, de donner des ordres au Bureau de la Presse pour que toutes les fois que de pareilles assertions viendraient à se produire, elles soient démenties d'après le contenu de mes Rapports.

(Translation.)

THE Athens newspapers continue to publish sensational articles in order to induce the belief that the Mussulmans are about to massacre the Christians, and that they are constantly committing acts of aggression against them. As your Highness is aware, certain individuals who had been worsted in the party conflicts, having for their personal advantage conceived the criminal idea of instigating disturbances, began by getting up an agitation, and, going to the Mussulmans in the village of Episcopi, situated in the neighbourhood of Rethymo, persuaded them to emigrate at once, warning them in a confidential and apparently friendly manner that if they did not leave their village before the evening their lives would be in danger, as the insurgents were preparing to attack them that very night. The Mussulmans, deceived by this trick, made haste to abandon their dwellings, and to take refuge in the towns, but no sooner were they gone than they saw their goods and their houses pillaged and burnt by the criminal hands of those same Christians whom they had taken for friends, and this naturally threw them into despair. It is proved by official documents, as well as by a telegram addressed by the French Vice-Consul at Candia to his Consul at Canea, a copy of which is in the Government archives, that the Christians, a short time afterwards, demolished the minaret of the mosque of the village of Calios, in the Sandjak of Sphakia, the mosque of Kouhbeli, situated in the village of Vonkolis (Canea), and many other religious buildings ; that amongst the Mussulmans massacred in the village of Aghia Yorghi, belonging to Rethymo, there was an octogenarian ; that all their houses were burnt ; and that when the Mussulmans of Abazia, belonging to the same district, left their village, the Christians attacked them on the way and violated their women ; whilst the Mussulmans, in face of the attacks to which they were exposed, only defended themselves against the aggressions which the Christians directed against them during the journeys which they were obliged to make in order to gather the harvest in their villages, and that they only had recourse to acts of legitimate self-defence. The above-mentioned newspapers, distorting the truth, have published these lying reports with the object of exciting public opinion against the Mussulmans, so that to keep silence in face of their assertions will

tend to confirm them and to create an idea in Europe that the Mussulmans are responsible for the state of things in the island, the result of which would be a misfortune to the State. It would also be advisable to have these published statements denied by the newspapers in Europe; and, as the Greek papers will certainly continue to propagate news of this description, to give orders to the Press Bureau that, whenever such assertions are made, they may be denied in accordance with the contents of my Reports.

No. 9.

Sir W. White to the Marquis of Salisbury.—(Received September 6.)

(Extract.)

Therapia, September 2, 1889.

AS long as the disturbed state of Crete continues there will be plenty of suggestions made by journalists and other less disinterested parties as to the nature of the concessions which the Sultan ought to make to the inhabitants of the island to insure their peace and tranquillity in future.

I am afraid that the concessions granted to that island on previous occasions were not all of them of a nature to insure permanent peace and satisfaction, or else universal suffrage, combined with elected Judges, would never have been included in them. But the Porte was at all times glad to obtain a respite to agitation from a turbulent people and its foreign sympathizers, and the real wants of these people were overlooked, and a temporary panacea was each time adopted.

I do not profess to have any remedy to recommend this time; but I propose to devote some attention to these questions, and to submit to your Lordship from time to time the results of my observations on various points of the administration of that island, so that we may not be quite unprepared for the subject should we be consulted on this matter when the time comes; although I do not think that there is any probability of the Porte feeling disposed or having sufficient leisure to examine carefully the situation of the island, being satisfied if tranquillity is restored; and should this unfortunately not be brought about, other considerations will influence its decisions, and the future fate of the Cretans.

In a very able paper written by Mr. Stillman on the "Pacification of Crete," which was printed in the "Times" of Tuesday, the 27th August (p. 8), there are some highly valuable admissions made by that gentleman, for which he deserves great credit, and which deserve considerable attention; he then goes on to discuss some of the essential grievances and their remedies.

On one of these last ones I wish to make a few remarks to-day, reserving a discussion of the others for some other occasion.

Mr. Stillman says that the indifferent character of the Governor-General is one of the main causes of the evil, and proposes as "the only remedy for this evil the appointment of a Governor for life, as in Samos, with the recognition of the Powers and the acceptance of the Cretans."

Mr. Stillman has been misinformed: the Governor of Samos, who is called Prince, is not appointed for life, but during pleasure; no recognition is required from the Powers for his selection, and the acceptance of the people of Samos is not required.

The nature of his appointment is correctly stated in Articles 3 and 4 of the text No. 1 of the note addressed by the Sublime Porte to the Powers on the 10th December, 1832, and is inserted on p. 74 in Holland's "Eastern Question."

My own experience confirms the practice in such appointments as by no means corresponding to the description given by Mr. Stillman.

I beg to inclose the copies of two lists I have had drawn up by Messrs. Alvarez and Waugh, in which your Lordship will find the enumeration.

They give the names of the Valis of Crete and of Princes of Samos during the last few years, showing what frequent changes there have been amongst the former ones, and that those at Samos have never remained there for life.

Inclosure 1 in No. 9.

Princes of Samos since 1833.

1833-46	..	Stephen Voghorides Bey, the only Prince who has died in office.
1847-56 (?)	..	John Ghika, now Roumanian Minister in London.
1856-59	..	Stephen Callimachy Bey.
1858 or 1859	..	Conemenos Bey, Acting Prince, still living.
1859-66	..	Miltiades Aristarchi Pasha, still living.
1866-71	..	Paul Musurus Bey.
1871-74	..	Constantine Adossides Bey, reappointed five years later.
1874-79	..	Constantine Photiades Bey, still living.
1879-88	..	Constantine Adossides Pasha, still living.
1888	..	Alexander Carathéodory Pasha.

Inclosure 2 in No. 9.

Governors-General of Crete since the Sanction given by His Imperial Majesty the Sultan to the Demands of the Cretans at Halepa in 1878.

1878	..	Adossides Pasha, was Governor-General when Moukhtar Pasha was sent as Imperial Commissioner.
1878	..	A. Carathéodory Pasha (for a few days).
1879-85	..	Photiades Pasha.
1886	..	Sawas Pasha.
1887	..	Anthopoulos Pasha.
1888	..	Nikolaki Pasha Sartinski.

No. 10.

Admiralty to Foreign Office.—(Received September 6.)

Sir, *Admiralty, September 4, 1889.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the perusal of the Secretary of State, copy of a letter from the officer commanding the "Fearless," dated at Suda Bay, 26th ultimo, reporting his proceedings in connection with the state of affairs in Crete.

I am, &c.

(Signed) R. D. AWDRY.

Inclosure in No. 10.

Commander Brenton to Vice-Admiral Hoskins.

(Extract.) *"Fearless," at Suda Bay, August 26, 1889.*

SINCE reporting my proceedings on the 19th instant, I have the honour to report that the state of affairs in Crete, as far as can be observed from the coast ports, has continued to improve.

No disquieting rumours have reached Canea from either Megalo Kastron or Rhithymoro during the past week.

Turkish troops continue to arrive in the island, and their advanced posts are gradually being pushed further inland; but the Turkish authorities certainly do not take what we should consider to be vigorous measures for suppressing the small number of insurgents who appear still to be giving trouble in the interior.

This somewhat dilatory action on the part of the Turks may either be attributable to their natural characteristics, or to a fear that if a too vigorous course were pursued they would fail to conciliate the favourable opinion of European politicians. It is not due to an insufficiency of power; already the number of troops in the island has been increased to 25,000 men, and six fresh battalions which are expected daily will bring the Turkish army of occupation up to 30,000 men.

A battalion of Albanian gendarmes has arrived; they appear to be a very efficient body of men. As the demand for these gendarmes was submitted by all parties in the island, their arrival should give general satisfaction; it certainly will to the law-abiding portion of the population.

The refugees in the towns have not lately been causing any disturbances, and measures are being adopted for their relief.

Shops are reopening. Trade, at least in the ports, is going on, and altogether the tone of the island is more quiet and reassured than it has been for some time past.

No. 11.

Consul Biliotti to the Marquis of Salisbury.—(Received September 6, 1 P.M.)

(Telegraphic.)

Canea, Crete, September 6, 1889, 12.30 P.M.

TRANQUILLITY is prevailing. Italian torpedo-ram "Bausan" arrived on 4th instant, and battle-ship "Lepanto" expected in a week.

No. 12.

The Marquis of Salisbury to Sir E. Monson.

Sir,

Foreign Office, September 6, 1889.

I HAVE received your despatch of the 26th ultimo, respecting the attacks on Her Majesty's Government and Mr. Consul Biliotti which have appeared in the Greek newspaper "Palingenesia," and have to state that I approve the conduct you have pursued in respect to them.

I agree with you that these press attacks do not in themselves deserve attention, and only acquire importance when they may be supposed to represent false impressions on the part of the Government.

I am, &c.

(Signed) SALISBURY.

No. 13.

Sir R. Morier to the Marquis of Salisbury.—(Received September 9.)

My Lord,

St. Petersburg, September 4, 1889.

M. DE GIERS does not return from Finland until Wednesday next, the 11th instant, being the Feast of St. Alexander Nevsky, and the Emperor's name-day.

M. Vlangaly received the Corps Diplomatique to-day in his Excellency's stead, but informed them he had nothing new to communicate except that he had received favourable accounts from Crete, where Shakir Pasha seemed to be progressing satisfactorily with the work of pacification.

I have, &c.

(Signed) R. B. D. MORIER.

No. 14.

Consul Biliotti to the Marquis of Salisbury.—(Received September 10.)

My Lord,

Canea, Crete, August 29, 1889.

I HAVE the honour to transmit herewith, for your Lordship's information, a copy of a full Report on Cretan finances which Her Majesty's Ambassador has instructed me to draw up.

I likewise send a copy of this Report to Her Majesty's Minister at Athens.

Shakir Pasha, with whom I have spoken on the subject of taxation in Crete, is fully of opinion, and is reporting to his Government, that to the tithe should be substituted a fixed amount in money.

His Excellency considers it possible to make the assessment of the land without too much difficulty and loss of time.

I have, &c.

(Signed) ALFRED BILIOTTI.

Inclosure in No. 14.

Report on Taxation and Financial Condition in the Island of Crete.

THE privileges and concessions granted in the years 1868 and 1878 and since this date have placed this island in quite an exceptional position with regard to taxation and finances.

Cretans, while exempt from certain excise duties and other taxes, as well as from military service or exemption money, are allowed to collect on their own account the tithe on agricultural produce, and also to keep other incomes derived from fish, sponge fishery, judicial and notarial fines and fees, rent on public landed property, mines, &c.

Out of these incomes they are to defray the local expenses for administration, justice, gendarmerie, public works, education, &c.

The only revenue remaining to the Porte is the Custom-house, and the indirect contributions on foreign-grown tobacco, stamps, and salt, of which last I shall speak hereafter in detail.

With regard to the first, it was provided in Article 13 of the Halepa Pact that, while any surplus in the Budget is to be divided between the Imperial Government and the island, the Porte is bound to cover any deficit not exceeding half the Custom-house income. This provision was made in consequence of an abundant year being invariably followed by one of failure in the crop of olives.

This system had been in force for eight years, when in 1887 Cretans obtained from the Porte that half the Custom-house income should be permanently affected to the wants of the island. But even the last concession is not sufficient to cover the present increased expenditure.

The following Table shows the amounts of the real annual income and expenditure during the last ten years, that is, since the Halepa Pact :—

Years.	Tithe.		Various Incomes.	Total Income.	Custom-house Grants.	Expenditure.
	Olive Oil.	Other Agricultural Produce.				
	Prs. p.	Prs. p.	Prs. p.	Prs. p.	Prs. p.	Prs. p.
1879	830,346 33	4,059,548 22	629,663 00	5,519,558 13	..	88,949,180 00
1880	6,658,796 30	5,502,373 08	643,293 00	12,804,462 38	..	9,885,874 00
1881	183,579 20	5,464,878 33	625,530 00	6,273,988 13	..	8,622,363 00
1882	8,395,257 30	5,955,878 36	652,358 14	15,003,495 00	2,987,483 19	8,532,701 00
1883	849,252 32	6,003,835 08	640,116 00	7,493,204 00	..	9,365,870 00
1884	8,608,391 20	4,858,944 10	659,170 10	14,126,506 00	..	11,696,756 00
1885	653,659 00	4,374,184 00	685,635 10	5,713,478 10	..	12,612,100 00
1886	7,428,631 10	5,895,461 38	869,019 31	14,193,112 36	..	12,625,000 00
1887	1,154,952 12	2,916,207 15	775,722 36	4,846,882 23	1,509,015 00	14,708,758 00
1888	5,308,024 00	5,133,228 31	934,381 38	11,375,634 29	1,391,783 36	12,024,670 10
	40,070,891 27	50,164,540 38	7,114,890 19	97,350,323 04	5,888,282 15	109,023,272 10

	Prs. p.
Custom-house grants	 5,888,282 15
Balance	 5,784,666 31

In round numbers the average yearly income, exclusive of Custom-house grants, amounts to 97,350 liras (88,500*l.*) ; and the expenditure to 109,020 liras (99,100*l.*), leaving a deficit of 11,670 liras (10,600*l.*), a little more than half of which was covered by Custom-house grants.

It is worth remarking that half the Custom-house income, which always yielded 15,000 liras a-year, and which Cretans boasted to augment by as much, has dwindled to 13,918 liras under their control in 1888.

The balance of 5,784,666 $\frac{31}{40}$ piastres is covered for 5,500,000 piastres by a loan from the Bank of Constantinople ; the difference of 284,666 $\frac{31}{40}$ piastres represents the surplus of the debts of the Cretan Treasury, which amounts to 3,976,670 $\frac{9}{40}$ piastres, as compared to the arrears of tithe due to the same, amounting to 3,692,003 $\frac{3}{40}$ piastres.

As it was likely that about half these arrears would have been cashed, the actual

Public Debt was reckoned to amount in round numbers to 4,000,000 piastres (36,366*l.*). It is impossible to say how it will stand after the present crisis, but 5,500,000 piastres (50,000*l.*), including interest on the loan, is perhaps the deficit nearer the mark.

I should observe here that it is lawful for the General Assembly to levy further local taxation, and that as all the burden now falls on the agricultural class, it was only fair that towns should contribute their share. Therefore the General Assembly decided during the Session of the year 1888 to levy a tax of 5 per cent. on rental in towns and certain boroughs. This tax was estimated to yield 800,000 piastres, but it was so difficultly assessed that it only yielded 123,352 piastres, which have been added to the column of various incomes for that year.

Cretans are not subject to tax on real property.

It is remarkable that the annual expenditure, which amounted on an average to 9,078,367 piastres for the first five years, increased during the five last to 12,786,287 piastres, namely, by 3,647,920 (33,163*l.*) a-year.

This result was due to irregularity in the administration, to personal interest, as well as to intrigue, which led the General Assembly to increase the expenditure so as not only to absorb any surplus that might have accrued to the profit of the Porte, but also to obtain further financial concessions.

The natural consequence of this abuse has been to throw the island in the financial crisis under which it is labouring since a few years, and should it be persisted in, as it is likely to be, it will give rise to further complications which may also bear on foreign interests.

In fact, Cretans are aiming at obtaining the whole of the Custom-house income, and they have hinted more than once that on their attaining that end they would impose heavier import and export duties in order to further relieve their island from local taxation.

Of course, their intentions would be defeated by existing Treaties, but the latter could not prevent agitation and fresh perturbations of the public peace.

Now a few words on the tithe system in Crete.

Besides the arbitrary acts to which peasants are subject here, as they are everywhere else, on the part of tithe-farmers, the system of so levying the taxation presents two serious dangers in Crete, the one financial, the other political.

It has gradually become a rule for tithe-farmers to pay the purchase-money only when they realize large profits.

Should they make no profit, or should they sustain a loss, which may vary from 5 to 20 per cent., but very seldom, if ever, attains the last percentage, they invariably reckon their loss at 40 and 60 per cent., and make an appeal to the General Assembly for the remittance of their debt, or for being granted several years' delay for reimbursing the arrears due to the Treasury.

Meanwhile, the Government are deprived of the indispensable money affected to administrative purposes, and have no means to compel recalcitrant tithe-farmers to pay.

The arrears due by tithe-farmers only in the year 1888 amount to no less than 2,450,000 piastres (22,273*l.*), and to the interested co-operation of these debtors with Conservatives is due the present perturbation.

Furthermore, an invitation to refuse the payment of the tithe, to which Christians are always ready to respond, is an infallible means of throwing the Government out of gear.

In times of trouble, tithe-farmers, though having already collected part of the tithe, decline all responsibility, and the whole loss falls, as it will fall in the present instance, on the local Treasury, it being impossible to ascertain, after the restoration of order, the quantity of agricultural produce stored by peasants.

Under these circumstances, to the system of farming out the tithes, another arrangement, of which I shall speak hereafter, might be advantageously substituted, in connection with a radical reform in the Financial Department.

In their recent Petition to the Sultan Mussulmans ask that finances should be placed under the direct control of the Porte.

Christians, on their side, are applying for a financial remedy, and would not object to the proposed measure by Mussulmans under the conditions—

1. That the Public Debt of the island should be paid in full by the Imperial Government.

2. That a Budget fulfilling the requirements of the public should be fixed for a number of years.

3. And especially that the income derived from Crete should not be removed

from, but should remain on the island, as a guarantee for the payment of the public expenditure, after which the Imperial Government would have the disposal of any surplus.

In one or another way, the payment of the Public Debt, directly or indirectly, shall fall on the Porte.

A permanent Budget can be fixed on the basis of the reduced estimates for the present year, which are as follows:—

							Prs.
Administration	..	..	..	..	..	..	1,611,952
Treasury	..	..	..	..	..	..	255,600
Justice	..	..	..	..	..	..	1,826,800
Gendarmerie (1,512 men)	..	..	..	..	..	..	4,143,170
Works of public utility	..	..	..	..	..	..	2,542,000
Miscellaneous	..	..	..	..	..	..	1,205,382
							11,584,904

I beg leave to point out that more than one-third of the total income is expended on the maintenance of the gendarmerie, a body which at all times promoted trouble rather than secured the public tranquillity, and have proved in the present circumstances, when their services became indispensable, to be worse than useless.

The sums annually expended for that service in the preceding years exceeded 50,000 liras (45,500*l.*).

As both Christians and Mussulmans recognize this truth, it may be presumed that the native gendarmes of other provinces will be maintained on the island.

However, as a certain number of Cretan gendarmes may be required to assist them, say one-third of the present number, provision is made for them by deducting only two-thirds of the sum affected to that service.

The Budget is thus reduced to 8,822,791 piastres, or, say, to the round sum of 9,000,000 piastres (81,818*l.*) for meeting unexpected contingencies.

In order to avoid any interruption in the administrative service owing to the want of funds, the payment of this sum should be guaranteed by the same heads of income as hitherto, that is the tithe, and smaller incomes borne on the preceding Budgets, including tax on rental, as well as half the Custom-house revenue. That is to say, that the Cretan Treasury would be entitled to the use, up to the total of the fixed Budget, of any available funds derived from any of the forementioned heads.

Some arrangement of this sort would be obviously advantageous to the Porte, both under a financial and a political point of view, and would be no less beneficial to Cretans.

With regard to the latter, the average income of the local Treasury for the last ten years is 9,735,000 piastres, adding the permanent grant of 1,500,000 piastres, half the Custom-house income, total, 11,235,000 piastres.

The reduced Budget of the present year, amounting to 11,585,000 piastres, there is a difference of 350,000 piastres against Cretans.

Admitting that this sum may be covered by the 5 per cent. tax on rental in towns and certain boroughs, there would still remain to the charge of the local Treasury the Public Debt of 5,500,000 piastres, besides interest, 500,000 piastres a-year.

The arrangement of which I have already spoken as likely to be advantageously substituted to the tithe would be a sum of money fixed for each district and individually subdivided on the average of the tithe levied during the last ten years, which amounts to 90,000 liras (81,820*l.*) a-year. About half this sum is represented by exportations in olive oil, locust beans, and valonea.

In order to reduce as far as possible the difficulties of collecting money in the villages, the tithe on these products might be levied in money, without expense, at the time of shipment from the merchant, whose business it would be to stipulate this condition in his purchases from the grower.

The whole rural population being reckoned to amount to a little more than 57,600 families, the half remaining tithe of 4,500,000 piastres would fall on the proportion of 78 piastres (14*s.* 2*d.*) per family. To levy so insignificant a sum is a far easier task than that of collecting thousands of pounds from a comparatively small number of tithe-farmers, who, at the slightest pressure put upon them by the Government, shoulder their rifles and take to the mountains.

This fixed sum might be collected without expense by the Governors of the districts, whose posts are perfect sinecures.

Besides, there would be no longer the danger, after times of trouble, to be unacquainted with the debt of each individual to the Treasury.

Furthermore, a fixed taxation would have the important advantage of promoting the development of all branches of agriculture, which are sadly neglected all over the island.

Finally, and especially, the Imperial Government would no longer be exposed to further financial sacrifices, the concession of which is invariably obtained by Christians after perturbations of a more or less serious character.

In the year 1868, and since that date, the following concessions on certain excise duties and other taxes were made to Cretans:—

Wine produced on the island, instead of the former duty of from 7 to 10 paras on each oke, now pays 3 paras, or the tenth.

Tobacco grown on the island is only subject to the tithe, and if exported, to the usual custom-house duty.

Olives preserved in oil, or pickled for the use of the rural population, pay no duty.

Fruits are subject to the general law of tithe.

Straw made on the island is exempt from tithe.

Sheep and *Goats* are taxed 9 paras a-head, no further duty being exacted on cheese and wool except custom-house on exportation.

All the foregoing duties are included in the second column, "Tithe on other Agricultural Products," in the taxation table.

Fish and *Sponge-fishing*, in both of which callings foreigners and natives of other islands are exclusively engaged, pay 20 per cent.

They, as well as *Fees* levied upon title-deeds in the purchase and sale of real property, go to the profit of the local Treasury, and are included in the third column, "Various Incomes," of the taxation table.

Silk is not subject to indirect contribution, no more are *Spirituuous Beverages* and *Liquors*, either produced on the island or imported; and no duty is any longer levied on wine and spirits that are retailed.

Besides half the Custom-house revenue of about 15,000 liras (13,636*l.*) a-year, which remain to the Porte, the only income derived by the Imperial Government from this island is that arising out of the indirect contribution on foreign-grown tobacco, stamps, and salt.

I have not been able to obtain official statistics for the last three years, but, according to reliable information, there is little difference between the income of recent and former years, of which I shall speak hereafter.

Tobacco is not a monopoly, as in other parts of Turkey. The foreign-grown weed used to pay 6 piastres an oke up to the year 1883, when it yielded 253,375½ piastres; but contraband was carried on to such an extent that it was deemed expedient, as a remedy, to reduce the tax by one-third in 1884, in which year it returned the increased sum of 495,113 piastres. The duty now levied is 3¾ piastres per oke, and the quantity subject to it, 125,000 okes, representing 450,000 piastres; but it is reckoned that as much, at least, finds its way in the island in contraband. Tobacco retail shops pay 30 per cent. on rent, but the total yearly sum collected under this head hardly attains 20,000 piastres. Total, 470,000 piastres (4,273*l.*).

Stamps.—The Imperial Government sanctioned, by inadvertence, in the year 1881 a Decree of the General Assembly by which no stamps were to be affixed on original documents, a provision in consequence of which *Fees* on sale and purchase of real property go to the local Treasury. A stamp of 1 piastre (2*d.*) is affixed on all copies of notarial instruments without exception, and 10 paras (½*d.*) on those of judicial acts.

The income to the Porte under this head was 144,666½ piastres in 1883, and 151,324 piastres in 1884. Average, 150,000 piastres (1,364*l.*). In the hands of Cretans stamps could be made to return from 1,500,000 to 2,000,000 piastres (from 13,636*l.* to 18,182*l.*).

Salt is rather an expensive monopoly for the Imperial Government, as it is bound to sell at 20 paras an oke imported salt whose cost is close to 30 paras. The quantity of salt consumed on the island varies with the quantity of the olive crop.

It amounted to 1,663,451 okes in 1883, and to only 1,406,076 okes in 1884, equal to 831,725½ piastres and to 703,038 piastres respectively. Average, 765,000 piastres (61,500*l.*).

Summing up in round numbers the income of the Porte—

Custom-house (half)	Prs.	1,500,000
Tobacco	470,000	
Stamps	150,000	
Salt	765,000	
Total income	2,885,000	
Loss on salt	Prs. 255,000	
Probable expense for collection of duties	130,000	
	385,000	
Net profit to the Porte	2,500,000	
(2,500,000 piastres = 22,727 <i>l</i> .)		

On the whole, the rural population amounting to 57,000 families, and each family being reckoned to consist of $4\frac{1}{8}$ persons (a very low rate), there are 237,600 souls in the country.

The tithe amounting to $156\frac{1}{4}$ piastres per family (28*s*. 4*d*.), the proportion falling a head is 38 piastres, or 6*s*. 11*d*.

The town population, which consists of 10,400 families, and consequently of 42,900 souls, paid, for the first time this year, a direct contribution of 123,352 piastres (1,121*l*.) on rental, that is not quite 12 piastres, or 2*s*. 2*d*., per family, or $2\frac{3}{40}$ piastres ($6\frac{1}{4}$ *d*.) a-head.

As there can be no intention on the part of the Imperial Government to increase in any way taxation in Crete, it would only be fair that the 9,010,000 piastres now levied from tithe should be apportioned among the rural population and that of the towns, which together amount to 68,000 families, or 280,000 souls.

This would give $132\frac{1}{2}$ piastres (24*s*. 11*d*.) per family, or $32\frac{5}{40}$ piastres a-head (5*s*. 11*d*.) which should be apportioned—for the country on the average annual tithe paid by each family during the last ten years, and for the towns according to craft, trade, or profession.

My suggestion, so far as land-owners are concerned, is a sort of income tax, which in the absence of land registers can be temporarily fixed without difficulty on the existing tithe registers.

But should the system of a fixed taxation be substituted to that of the tithe, as real property is liable to change hands, a regular assessment of lands, trees, and plantations is an indispensable requirement.

Canea, Crete, August 1889.

Additional Observations.

The Budget, as fixed at 9,000,000 piastres, being the total income from tithe, the whole of the direct contribution paid by Cretans would go towards the public expenditure of the island.

This sum representing that cashed by the Government, Cretans would reap the profits realized by tithe-farmers to the detriment of the rural population, as well as of the Porte, and which may be reckoned to reduce the tithe to only 9 per cent., if not less.

The deduction made in the Budget for the year 1889 on 1,000 native gendarmes being 2,762,117 piastres, it is quite certain that the Porte shall have to pay more for the same number of gendarmes from other provinces, who are picked men and receive increased pay. The income to be derived by the Porte being 700,000 piastres from various incomes (third column in taxation Table), and 2,500,000 piastres from indirect contributions, total 3,200,000 piastres, it is hardly possible that this sum should be sufficient to cover the expenses of this gendarmerie.

At all events the whole of this sum would likewise be expended for Crete, leaving as only income to the Porte for meeting the expenses of the troops and vessels of war stationed on the island, 1,500,000 piastres (13,636*l*.), representing half the Custom-house income, now permanently granted to Cretans, which naturally would return to the Imperial Government.

The 10 per cent. which it is proposed that olive oil, locust beans, and valonea merchants should retain on the purchase-money for reimbursing the tithe will represent to peasants rather a commercial transaction, that the tithe which, by this

process, will be reduced in their eyes to the fixed sum of money to be directly paid by themselves to the authorities.

As the repartition of 9,010,000 piastres on the whole population, including that of the towns, gives a proportion of $132\frac{1}{2}$ piastres per family, and as the tithe on the three forementioned products represents 78 piastres, the sum to be directly paid would be reduced to $54\frac{1}{2}$ piastres, or 9s. 11d., which, if equitably apportioned, would bring down the share of the poorer class to half, namely, to $27\frac{1}{4}$ piastres.

It being reckoned that the average yearly consumption of olive oil is 100 okes by family, this sum would hardly represent the tithe on that article of food, leaving free from all tithe or taxation whatever all other articles of food and agricultural products generally, such as wheat, barley, maize, wine, vegetables, &c.

(Signed) ALFRED BILIOTTI.

Canea, Crete, August 1889.

No. 15.

Consul Biliotti to the Marquis of Salisbury.—(Received September 10.)

My Lord,

Canea, Crete, September 3, 1889.

I HAD the honour to telegraph to your Lordship on the 1st instant that in consequence of the rumours having reached me, I spoke to the Vali on the subject of the profanation of Christian tombs in the village of Perivolia. His Excellency had already heard the rumours referred to, but on making inquiries had been informed that nothing of the kind had taken place.

At my suggestion a fresh inquiry was instituted by the Government, with the co-operation of the ecclesiastical authorities, and the rumours were confirmed. Search is now being made for the culprits. On the 31st ultimo, accompanied by the commander and two officers of Her Majesty's ship "Fearless," I visited the village of Galata, and ascertained that nearly all the Christian tombs had been violated, and that the churches had been defiled, and the wooden ornaments, the altars, pictures, and gospels entirely spoilt. The remains of the corpses had evidently been replaced in the tombs at a later period; but here and there a few bones were still to be seen. It would seem that similar desecrations have been perpetrated all round the town of Canea, as some officers of the "Fearless" have seen a similar state of things in the village of Hikalaria.

The village of Perivolia is destroyed, and is still uninhabited, but troops were in charge of the place when these desecrations took place.

I had the honour to inform your Lordship by telegraph yesterday, that I had related to the Vali the facts which I had ascertained. His Excellency will visit the spot, and have the tombs restored before the inhabitants return. I have also reported to him that, although he had provided us with an escort, two sentries used offensive language towards us, and one of them spat upon a picture which we picked up. His Excellency promised that the culprits should be severely punished. Three unarmed Christians were shot at by soldiers on the 28th instant in the district of Keramia; one was killed and another wounded. The Vali sent for the whole of the company which was stationed at the spot, and paraded them before the third Christian, but he was unable to identify the offenders. The troops, both at Keramia and Galata, come from Syria, and the authorities themselves recognize that they are unfit to be employed on this service. The only plan is to keep them in the fortresses, for if they are posted at separate stations in the country there will probably be some collision between them and the Christian inhabitants.

The rumours with regard to the profanation of Christian sepulchres were afloat since nearly a fortnight, but I refrained from reporting on so delicate a subject before ascertaining the fact by myself.

The Vali is of opinion that Christian tombs were not opened for the mere purpose of profanation, but to look for valuables, which it would appear were concealed in them in previous times of troubles.

Be this as it may, the undeniable fact remains that the contents of Christian sepulchres were removed from their resting-places, and judging from the condition of those that I have seen, it is not impossible that such corpses as were not entirely consumed may have become the prey of dogs, as Christians say they were at Perivolia.

The family tomb of Mr. Cassimati, my clerk, being profanated like others, our party lowered the lid to its place.

I called the attention of his Excellency Shakir Pasha, who made a special note of

the circumstance, that the destruction at Galata, and the profanation of sepulchres, had taken place while troops were stationed in that village.

Its inhabitants having been allowed to visit their houses on the 25th ultimo, when the village was guarded by Anatolian troops, I am told had found several objects untouched. On their return last Sunday, by special permission of the Vali, all that property had disappeared. Mr. Cassimati's family tomb was also intact at that date.

Our party, which was under a Government escort, had great difficulty in entering the village. On our approach five or six soldiers took up their rifles and loaded them in our presence. We had to parley with the commanding officer, who gave us an escort of four soldiers and one corporal to visit the village. Two of our party, having lost sight of this escort, were threatened by a sentry to be fired upon. We were all abused with offensive language, and the church picture was spit upon.

The Anatolian cavalry who accompanied us were themselves indignant at what took place, and more than once repeated, "Bounlar adam deil" ("These people are not men").

Under these circumstances one must come to the regrettable conclusion that if the troops are not the actual perpetrators of the outrages, they have allowed them to be perpetrated under their eyes, or that they keep so strict a watch only on honest people coming under a Government escort, and not on marauding parties. In all cases they have sadly failed in the execution of their duties.

The troops we met at Galata belong to the contingent from Syria.

I told his Excellency Shakir Pasha that however regrettable they might be—the occurrences connected with our visit at Galata—they would have for result to enable his Excellency to take measures for preventing similar incidents between the troops and the inhabitants of Christian villages.

Keramia was occupied at first by Anatolian troops, and their relations with native Christians were most friendly.

Although the whole Christian population is animated with the most pacific intentions, the recurrence of murder and wounding, as at Keramia, on the part of Syrian troops, may cause Christians to lose confidence in all the Turkish troops on the island.

I have, &c.

(Signed) ALFRED BILIOTTI.

No. 16.

Consul Biliotti to the Marquis of Salisbury.—(Received September 10.)

My Lord,

Canea, Crete, September 3, 1889.

I HAD the honour to wire as follows to your Lordship on the 31st ultimo:—

"A Proclamation was issued by the Vali on the 28th instant to the following effect:—

"Owing to the presence of troops in the neighbourhood of the towns, the irritation which existed between the rival Christian parties, as well as between Christians and Mussulmans, has to a great extent disappeared; it now becomes necessary to send troops to other parts of the island, from which no information has been received, and to station them wherever agitation and disorder still prevail.

"As announced in an earlier Proclamation, quiet and orderly people have nothing to fear from the troops, whom they should receive with confidence, applying to them for the protection of their lives, their honour, and their property. But any person, whether he be Christian or Mussulman, who ventures to oppose the troops, or who is caught carrying arms for that purpose, will be liable to severe punishment at the hands of the military authorities."

"The troops left early this morning, having waited for the arrival of five battalions which were expected.

"The Vali has refused to have anything to do with the manifestants so long as their companions are in arms; but, with the exception of my former clerk, they have written to recommend the inhabitants of the country districts not to resist the advance of the troops.

"Cacouri and his followers have returned to their homes from Apokorona in consequence of dissensions having arisen amongst them.

"The people of Alikianou have addressed a Memorial to the Vali and to the Consuls, expressing their earnest wish for peace and tranquillity."

I further had the honour to report yesterday to your Lordship, by telegraph, the following information:—

“Troops crossed the western districts without exchanging a shot. A few tithe-farmers excepted, all armed bands are dissolved, and Conservative leaders in flight or in their homes. Country Christians threatened the lives of two of them. Apokorona and Sphakia demand that authorities should return there.

“I have just received an Address from the district of Kissamo, in which signatories protest their wish for peace. Troops are asked from all districts by Christians.

“The Governor of Candia intends to forward some to Monofatsi, where are most Turkish villages, and to reinstate Mussulmans in them.

“Rethymo Christians are returning from inland districts to their villages. I have seen two delegates from Selinos. They are animated with most pacific feelings, as are all the Christians of the villages they came across. They report the total casualties in their district to be one Mussulman murdered, one wounded; three Christians murdered, one wounded. The total damage at Selinos amounts to 100% to Christians, and as much to Mussulmans. The latter are said to be returning to their houses.”

I stated in my telegram of the 25th ultimo that the reports of guns which had been heard led to the supposition that they played against bands of manifestants. According to the Selinos delegates, who were on the spot for a week, a few guns were fired against peasants who, having retired to the mountains, were coming back to look after their property. One native Mussulman and one Christian were killed, but no soldiers.

The attitude of the Christian population at large, their repeated requests for troops from all parts of the island, the addresses to the Consuls protesting of their peaceful intentions, are unmistakable proofs of their desire to remain quiet.

These facts prove, moreover, that the public tranquillity was only troubled by a handful of individuals moved by party feeling or private motives.

The Turkish General commanding the expeditionary corps reported to the Vali that he has not met a single armed Christian, and his statement tallies with that of my informants.

They assure me that there are no armed bands of Christians, and that they caused Petro Fruni and Giorgi Condaki, two Conservative leaders, who were with the manifestants, to escape with their lives from the hands of the Christians at Alikianou, who accused them of being the cause of the difficulties in which the island is placed.

The other Conservative leaders have already retired, or intend to return to their houses.

If the outlaws from Greece manage to cross over to the Continent, or some other island, there would only remain in Crete a handful of tithe-farmers with arms in hand.

I have, &c.

(Signed) ALFRED BILIOTTI.

No. 17.

Consul Biliotti to the Marquis of Salisbury.—(Received September 10.)

My Lord,

Canea, Crete, September 4, 1889.

A REMARKABLE change has gradually taken place in the feeling of the Mussulman immigrants, who no longer object, but look forward with eagerness, to their being reinstated in their homes.

This change is to be attributed—

1. To their having given up all hope of Europe interfering at present, at all events, in internal affairs of Turkey.

2. To the successful measures taken by Shakir Pasha for the restoration of order.

3. To a hopeful feeling that Christians will no longer be granted fresh concessions to their detriment.

4. To the conviction that the gendarmes from other Turkish provinces, now on the island, will be permanently maintained, and perhaps also troops stationed in the districts inhabited by them.

5. To the olive crop promising to be plentiful, although the present year not being one of expected abundance.

6. To an estrangement between them and the Beys, who they consider to be far from suffering from, but to be making profits out of, the present state of affairs, by selling their agricultural products three times their value; by paying the immigrants one-third of usual wages, and by buying for nothing the animals which they managed

to convey to the town, and which they are under the necessity of disposing of at any price, in order to procure bread.

7. To the discomfort of living out of their houses.

8. To the fact that the longer they remain in town the longer they will suffer from privation, and the more their sufferings will increase, having given up all hope of help on the part of their Government.

All they appear to wish is that, in consequence of the losses they have sustained, they should be granted a reasonable time for redeeming such of their estates that may have been already mortgaged.

However, I believe, and Shakir Pasha, with whom I have spoken more than once on the subject, is of the same opinion, that they should be helped beyond that limit by loans at a low rate of interest.

The gathering of olives begins in a month, and gradually increases up to December, when it is at its height, but no regular sales of oil take place such as could relieve the population before the end of the year.

Very little money is required by peasants for rebuilding their houses, which in several villages consist of walls without cement, covered with trees and brushwood cut in the neighbourhood, on the top of which is thrown a quantity of earth.

But, in most cases, Mussulmans require money for procuring their lost agricultural implements, their plough and transport animals, seed, and for their daily expenses until they can live upon the income to be derived from the coming oil crop.

If Mussulmans were not reinstated in their villages within a month, the difficulties of reinstating them at a later period will increase in proportion to the delay that may take place.

This is a most serious question, that should be taken into consideration by the Imperial Government without loss of time.

The authorities here intend to hasten the return of Mussulmans to their respective villages, but if they are left without means of subsistence, it is to be feared that plunder, forced upon them by want, may give rise to collisions with Christians, which might degenerate in fresh serious disturbances.

I have, &c.

(Signed) ALFRED BILIOTTI.

No. 18.

The Marquis of Salisbury to Sir W. White.

Sir,

Foreign Office, September 10, 1889.

I HAVE received your Excellency's despatch of the 2nd instant, relative to the measures which should be adopted to secure permanent tranquillity in Crete.

I have to thank your Excellency for the interesting observations contained in your despatch, and I shall be glad to receive at your convenience the further information which you propose to collect and furnish.

I am, &c.

(Signed) SALISBURY.

No. 19.

Sir W. White to the Marquis of Salisbury.—(Received September 11.)

My Lord,

Therapia, September 6, 1889.

WITH reference to my despatch of the 30th ultimo, I have the honour to inclose a précis of a translation of three telegrams addressed by Shakir Pasha, the Governor-General *ad interim* of Crete, to His Highness the Grand Vizier, reporting on the present condition of the island.

These telegrams appeared in the semi-official newspaper, the "Tarik."

I have, &c.

(Signed) W. A. WHITE.

P.S.—Since writing the above a further telegram has appeared from Shakir Pasha, translation of which I inclose.

W. A. W.

Inclosure 1 in No. 19.

Extract from the "Tarik" of September 5, 1889.

(Précis Translation.)

THE "Tarik" publishes three telegrams from Shakir Pasha, Acting Vali and Commander-in-chief of Crete, to the Grand Vizier.

The first, dated 21st August, 1305 (2nd September, 1889), reports that the districts of Menokach and Rethymo are quiet. Ibrahim Pasha, who was sent with troops to Selene, reports his arrival at Fedano, the centre of the district. He met no armed Christians, and he found the country quiet. From all parts the population, Mussulman and Christian, are reported to be returning home of their own accord, trusting in the protection of the troops.

The second, dated also the 2nd September, reports receipt of two addresses signed by Christian population, announcing their return to their houses. Verbal assurances to the same effect have also been given by deputies from other districts.

A Petition from the inhabitants of Selene, the bearers of which met Ibrahim Pasha on the road, gives assurances of loyalty and readiness to return home, but begs that troops may be sent to protect the petitioners from aggression on the part of the Mussulman population of the district. The Mussulmans, too, express a wish to return and protect their gardens and vineyards, but fear Christian aggression.

From this it appears that both sides are in a panic, but it may be confidently anticipated that the dispatch of troops will restore confidence.

The third telegram, dated the 22nd August, 1305 (3rd September, 1889) gives report from Ibrahim Pasha, stating that the Notables of Selene had visited him to express gratitude for the arrival of the troops, assure him of their submission, and beg that the evil-doers might be punished.

On their request, half-companies were sent to several villages to insure order. After the arrival of the soldiers, a report was spread that certain Mussulman houses had been burnt by Christians; soldiers were sent, but the report was untrue. The detachment sent to bring supplies went and returned without accident.

Inclosure 2 in No. 19.

*Extract from the "Tarik" of September 7, 1889.**Telegram from Shakir Pasha to the Grand Vizier.*

(Translation.)

TELEGRAMS from the Acting Governor of Candia report that Abdul Kerim Pasha has gone to the centre of the Menokach district, and, by a judicious distribution of troops, has restored quiet, and is endeavouring to induce the Mussulman fugitives to return with their families. Tranquillity prevails in the town of Candia and the neighbourhood, and nothing has happened in any other part of the island.

August 24, 1305 (September 5, 1889).

No. 20.

The Marquis of Salisbury to Consul Biliotti.

Sir,

Foreign Office, September 13, 1898.

I HAVE received your despatch of the 3rd instant respecting the desecration of Christian churches and graves in the village of Galata, and I approve the representations which you have made to the Vali on this subject.

I am, &c.

(Signed) SALISBURY.

No. 21.

Consul Biliotti to the Marquis of Salisbury.—(Received September 14, 8 A.M.)

(Telegraphic.)

Canea, Crete, September 13, 1889, 11:30 P.M.

THE Sultan has informed Shakir Pasha that he will pay out of his private purse part of the cost of seven cargoes of timber and one of provisions to assist the refugees in returning to their villages and rebuilding their houses. No tents are available, and the Porte has not yet succeeded in procuring an advance of money from the banks at Constantinople for the Cretan refugees.

In the meantime, affairs remain perfectly quiet. A few individuals are still attempting to escape from the island. They are men who, acting in their own interests, have been the cause of much injury to the Government and to the general welfare of Crete. The Vali has issued a Proclamation to the effect that the severest penalties of the law will be inflicted upon any one who renders them assistance.

Rear-Admiral Cannevaro arrived here yesterday in the battle-ship "Lepanto," which is accompanied by the cruiser "Tripoli."

No. 22.

Sir E. Monson to the Marquis of Salisbury.—(Received by telegraph, September 16.)

(Extract.)

Athens, September 15, 1889.

THERE is considerable excitement in Greece over the recent news from Crete. Not only the Opposition journals, but those directly under the influence of the Government, condemn in unsparing language the sentences pronounced by the courts-martial on the Deputy Cristodoulaki, on the two other Deputies, who have been tried, and the messenger upon whom Cristodoulaki's letters were found. They denounce also the absence of an amnesty and the Proclamation of Shakir Pasha respecting the refugees.

The Opposition are furious with M. Tricoupi for having, as they say, instructed his Consul at Canea to recommend the Christians to submit to, and even to welcome, the Turkish troops, without having assured himself beforehand that the military authorities would act with clemency.

No. 23.

Consul Biliotti to the Marquis of Salisbury.—(Received September 17.)

(Extract.)

Canea, September 7, 1889.

IN the case at Keramia military officers of high rank express the opinion that, owing to the distance from the camp to the spot where three Christians were fired upon, one being wounded and another killed (reference to my despatch of the 3rd instant), the outrage cannot have been committed by soldiers.

A first inquiry, and the review of the company having failed to bring home to the troops the deed, a second inquiry was ordered by Shakir Pasha, who holds that, in the presence of a murdered and a wounded Christian there should be as evident facts to prove that the outrage cannot be attributed to soldiers.

With regard to the profanation of Christian tombs at Perivolia, the officer sent to make the inquiry reported that cemetery walls were destroyed, but that no tombs had been opened.

I pointed out to Shakir Pasha that the officer might not have been shown the real spot. His Excellency replied that he readily accepted my suggestion to make, with the assistance of the Orthodox Bishop, a fresh inquiry, which proved the truth of the profanation, the perpetrators of which are searched for, but are not likely to be ever discovered.

Regarding the incidents that took place during our late visit at Galata, a military Pasha hinted to myself that we might have misunderstood the offensive language used towards us by two soldiers, and that the one who had spit on the picture was maintaining that he had been only cleaning it.

But Shakir Pasha, to whom no doubt similar suggestions were made, imprisoned the two soldiers, strongly reprimanded the commanding officer, and withdrew from Galata

the Syrian company, in whose stead were sent Anatolian troops. Furthermore, his Excellency allowed the inhabitants of that village to return to their homes and look after their property.

The same Pasha having hinted to me that Christians themselves may have opened the sepulchres at Galata in order to inculpate Mussulmans, I observed to him that as Bashi-Bazouks occupied the roads, and troops the village, it was quite impossible for Christians to have reached the spot without being detected.

No. 24.

Consul Biliotti to the Marquis of Salisbury.—(Received September 17.)

My Lord,

Canea, Crete, September 9, 1889.

WHEN on the arrival of Shakir Pasha the five delegates of the manifestants handed to his Excellency a Memorandum, dated the 12th ultimo, containing demands on behalf of the Christian population, the principal Mussulman land-owners at Canea wired to His Imperial Majesty the Sultan, begging that no decision should be taken on the subject before they had submitted on their side some observations suggested to them by the document in question.

This they did on the 1st instant, identic documents being sent by the Mussulman notabilities of Candia and Rethymo.

I have now the honour to transmit herewith, for your Lordship's information, an extract in translation of the demands of the manifestants, and a copy in translation of the Memorandum of the Mussulman notabilities.

The really important and indispensable reforms are those mentioned in the five first Articles in both papers.

1. *Governor-General.*—The religious creed to which the Vali is to belong is a point on which Christians and Mussulmans cannot of course ever agree.

The arguments used by Mussulmans against the appointment of a Christian appear to be irresistible, especially under the point of view of the Ottoman Government. However, while it would be imprudent to admit the principle now advocated, it is not likely that the Christian population would offer any opposition to a Mussulman Vali succeeding Shakir Pasha for carrying out the reforms he may devise, especially if they satisfy the wants of the population, and are executed with a spirit of conciliation.

On my inquiring whether henceforth the Valis in Crete were likely to be Mussulman, his Excellency replied that religious persuasion had nothing to do, so long as the candidate was endowed with the required qualifications.

The question of the religious persuasion of the Vali set aside, both Christians and Mussulmans perfectly agree that the position to be made to future Valis should be such as to place them above factions.

The first requirement towards attaining that end is to secure them against official intrigues at Constantinople, as well as against local machinations, and to heighten their authority, which has ended by being reduced to a mere shadow.

Events will prove whether the Porte will succeed in this object without adapting to this island the system inaugurated with so much success in the Lebanon.

In connection with the future position of Valis, wise Christians suggest that the General Assembly, whose Sessions are always more or less stormy, should be convoked biennially instead of annually.

2. *Finances.*—Although the manifestants are now asking for the surrender of all incomes from whatever source, the suggestion which I made in my financial Report of a fixed Budget for a number of years guaranteed on the income now granted to the Cretans, emanates from Dr. Spakianski, of whom I spoke in former Reports as being a moderate Conservative.

I may add that from recent inquiries from Christians at large in the towns and in the country, they are quite disposed to accept an arrangement on this basis, which also tallies with that proposed by Mussulmans.

3. *Tithe and Taxation.*—The substitution of a fixed taxation to the tithe would be considered by the agricultural class as a boon, especially if the populations of the towns should pay their share of this contribution in money, and, so far as I know, neither Christian nor Mussulman townsmen are opposed to an equitable apportionment of a money taxation.

I have heard it suggested by Christians at Canea that, in consequence of these innovations, no Administrative Council would be required any longer, its principal if

not only object being that of selling the tithe at public auction, and dealing with financial matters.

4. *Judicial*.—Christians at large are quite satisfied that henceforth the Judges should be chosen by the Vali, and no longer elected by the people or by the General Assembly, as the manifestants now propose. This is the most ardent desire of the Mussulman population.

Furthermore, Christians consider that the civil procedure now in use is far too intricate for the island and only favourable to lawyers and attorneys, who complicate matters with the sole object of levying heavy fees. I was mentioned the example of a man in straitened circumstances who was sued for a debt of 13 piastres (2s.) and who had to pay 77 piastres (12s 7½d.) for judicial expenses.

Mussulmans having been the first to complain under this head, the feeling among the people of both races is identic also in this respect.

5. *Gendarmerie*.—There is but one voice among Christians as well as Mussulmans for expressing the hope that the gendarmes lately brought on the island from other Turkish provinces will be maintained here for ever.

As it is not likely that they will be withdrawn, one, out of the five important points, is already settled, while the remaining four, far from clashing with, would meet the most ardent wishes of the population.

The conformity of feeling among Christians and Mussulmans with regard to the main points on which reforms should bear, and the basis on which they should be executed, as well as the animosity which the people evince towards the leaders of the recent perturbations, are the best proof that they long for a strong Government, securing permanent order in the island.

It remains for the Porte to decide upon and carry out the reforms with as little delay as possible, in order to relieve the population from the anxiety in which they are now placed.

There may be a few points of minor importance requiring consideration, but they may be postponed without inconvenience.

I have, &c.
(Signed) ALFRED BILIOTTI.

Inclosure 1 in No. 24.

Summary of the Demands of the Manifestants, made through their Delegates on the 31st July (12th August), 1889.

(Translation.)

1. THE Governor-General to be an Orthodox Christian, of Hellenic extraction, and an Ottoman subject; the Government Counsellor a Mussulman.

The other public functionaries to be appointed from among native Christians and Mussulmans in proportion to the numerical strength of each element. No one should be allowed to recommend individuals for nomination to Government offices.

No one to be appointed who is not competent for fulfilling the duties intrusted to him, and no functionary to be dismissed without the cause for that measure being mentioned in the order for dismissal.

The Governor-General to be careful that public functionaries should be organs of the service, and not instruments of political parties with whom reforms should have nothing in common.

Any interference on the part of public functionaries in factions or elections should be followed by dismissal from post.

2. All the incomes of the island, not excepting the Custom-house nor those arising out of tobacco, salt, and stamps, to go to the local Treasury, the Government being entitled to receive the remaining balance after the payment of all items of expenditure in the Budget, which should be fixed every second year, while an account of the expenditure should be rendered at the end of each financial year.

3. To substitute to the tithe another system of contribution to be fixed upon by the Government General on the following basis:—All agricultural products exported to pay a duty on shipment, and those remaining on the island to be taxed in some other manner to be devised. These contributions to be distributed so that they should fall on all the population, and not only on the agricultural class as hitherto.

The tithe farmers owing arrears to the Government not to be prosecuted for three years, during which time their losses should be proved, and the balance paid at the end of that period.

4. Twice as many Judges as are required, to be elected out of the two Christian and Mussulman political parties, and to cast lots for the number of those who are to assume office out of these elected Judges. (Follow long Regulations concerning Justices of the Peace, Mortgage Offices, Administrative Councillors, and Councils of Elders, which have no connection with the subject I am treating.—A.B.)

5. The Governor-General to submit to the next General Assembly a Law for the reorganization of the gendarmerie and of the Police Regulations on the basis of the Laws and Regulations of civilized countries.

6. The sums voted in the Budget for public works not to be affected to other purposes. The sums so voted in preceding years, and which have not been paid, to be passed to the credit of the public works.

7. Schoolmasters generally, being considered as public functionaries, not to be allowed to elect, or to be elected, Deputies to the General Assembly.

8. Any one having the required qualifications by the local laws to be at liberty to publish a newspaper by merely giving notice to the Government General, who should not be allowed to prevent the publication. No newspaper to be suspended for any motive whatever without a judicial decision.

9. To hasten the establishment of an agricultural bank, which should be independent on the Imperial Ottoman Bank, and which should not exact a higher rate of interest than 9 per cent.

10. Only Christians and Mussulmans of Cretan origin to be electors and elected. Christians and Mussulmans who are not of Cretan extraction to enjoy this right only after 10 years' residence on the island, if they possess property of at least 50,000 piastres (455*l.*) liable to taxation.

This disposition of the law does not concern foreign subjects, who are electors in no case.

The Deputies to the General Assembly to be in proportion to the number of the population of each creed.

11. Title-deeds and mortgages of landed property to be drawn up before notaries public, except those concerning *Vacoufs*, which are drawn before *Evkafs*.

In force of a *Firman* of the 12 *Mouharrem*, 1286 (1868) all title-deeds for the extension of the right of inheritance paid a fee of 10 piastres. These documents being subject, since three or four years, to a fee of 3 per cent. on the value of the landed property, that the former fee of 10 piastres should be reverted to.

12. The tax on craft or profession, and every other tax that may be established by Municipal Councils and approved by the authorities concerning philanthropic establishments, ports, roads, &c., to be compulsory on foreign subjects.

13. The sums due by the Imperial Government to the safe for works of public utility to be handed to the same.

14. Full liberty of conscience, and that change of religion should not deprive from political and hereditary rights.

15. *Cydonia* to be sub-divided into two districts.

16. No change to take place in the foregoing proposed enactments before the lapse of eight years.

Special Dispositions.

Grant of general amnesty from the 1st January, 1889, to date.

The Imperial Government to indemnify Christians for the burning of their houses.

The Laws and Decrees passed during the last Session of the General Assembly not to be sanctioned.

The foregoing enactments to be put into execution as soon as they are sanctioned by the Imperial *Firman*, and published in the official Gazette of the Government General.

(Signed)

A. N. TAMIARIS.
J. MANOCESSOYIANNAKIS.
F. AGGELIDES.
J. CRIARIS.
M. S. LAMPROPOULOS.

Canea, Crete, July 31 (August 12), 1889.

Inclosure 2 in No. 24.

Memorandum addressed by the principal Mussulman Landowners to His Imperial Majesty the Sultan, on the 20th August (1st September), 1889.

(Translation.)

Observations on the inadmissible and unjust Demands made by the Manifestants from their Camp.

WHEREAS we detect that the only object they have in view is to do away with the Mussulman element and to curtail the sovereign rights, and whereas we fear to undergo more vexations than those hitherto subjected to, we find ourselves under the necessity of respectfully submitting our views on the subject.

1. It is of public notoriety, by acts and writings, that Christians have been dissatisfied with the administration of all the Christian Valis who succeeded each other. Therefore the wish repeatedly expressed for the appointment of a Christian as Governor-General in Crete has another object in view but that of securing the welfare of the island—that is a political object. This becomes the more evident by the fact that they insist on other public functionaries being likewise Christians.

2. With regard to finances their object is not to provide for the wants of the island, but merely to take into their own hands all the income of the Government thus encroaching on the sovereign rights.

Notwithstanding the numerous financial Concessions made by the Imperial Government, Christians have been unable to cover the expenditure which has yearly increased to a point that there is an important deficit in the public Treasury, and that it is impossible henceforth to continue in the same path.

The little income that remains to the Porte hardly covers one-tenth of the expenses incurred for the maintenance of the garrison of the island. However, Christians are endeavouring to deprive the Imperial Government of this trifling income, and this is likewise done with a political intent.

Under these circumstances it is indispensable that the income and expenditure of the island should be permanently regulated by an Imperial Iradé, without detriment to either party, but in a way that would prevent the occasional recurrence of financial questions.

3. Under the present circumstances, it would certainly be an act of benevolence to grant a delay of some sort to the farmers of the tithe for paying the arrears they owe to the Government, if their demand aimed at obtaining a similar facility. But their only purpose is to squander Government money so as to maintain a permanent cause of disturbance, having as well a political object in view.

4. It is essential that the distribution of justice should be made independent of the influence of political parties. However, the proposed remedy, far from attaining this end, would complicate matters, and, if admitted, would increase the miscarriage of justice.

It being of public notoriety that the whole island is divided into two camps, the proposal that Judges should be appointed in equal number out of each party, would amount to an official recognition by the Government of these two political parties, which, by their feuds, would crush the right of the population to an equitable distribution of justice.

Under these circumstances we submit that, conformably to judicial institutions in all civilized countries, the Judges should be appointed by the Government instead of being elected, as the only means to secure justice.

5. All the disturbances from which the island is now suffering, the murders, pillage, and insurrectionary movements that take place, are to be traced to the native gendarmerie. It consists of individuals who, besides being of objectionable character, have no wish to maintain the public tranquillity. The Laws and Regulations, which it is proposed to adopt, will conduce to no better result than did those already enacted, for the simple reason that they cannot be carried out by the vicious native gendarmerie. The only remedy would be to substitute an incorrupt element to the present tainted one, which should be altogether set aside.

6. The liberty enjoyed by the local press has already exceeded the limits of law. The local papers do nothing but exciting the people, and fomenting insurrectionary propensities in the island. Should the demand of the manifestants for further liberty be admitted, they would end by setting the whole island in a blaze. On the contrary, some Law should be devised to restrain them from their present licentiousness. They have

the less to complain that the local Government not only did avail themselves of their right of suspending newspapers but that they have even abstained from making verbal observations when the press went beyond all legal bounds.

7. The manifestants demand that elected, as well as electors, should be from Cretan origin, a demand which to us suggests two observations. The one is that Cretans established of old in Greece, although being Hellenic subjects, would become legally eligible as Deputies to the General Assembly, Judges, &c., and that others who have settled on the island some years ago would be ineligible to the same posts although they may be landowners, and, for other purposes, as Cretans themselves. This Law being contrary to the general laws of the Empire as well as those of Europe, and encroaching upon sovereign rights, we are convinced that this illegal request will not be admitted.

Their further demand that the nomination and dismissal of Judges, and of other functionaries, as well as the proportion in which Christians and Mussulmans are to stand, should be vested in the General Assembly, is another encroachment upon the Imperial rights, and would amount to Christians taking into their hands all the power of the Sovereign—an object at which they are aiming.

8. Their demand regarding the abolition of the duty of 3 per cent. for extending the right of inheritance on Vakoufs, not being a matter of public interest, but concerning only certain individuals who may be placed in that category, should in no way have been included in their requests, as it is not compulsory, but only depends on the will of the interested party to avail himself of this disposition of the law.

9. The demand that foreigners should be subject to the same taxation and contribution as Cretans are, appears to us, to go beyond all limits of presumption, considering that it touches a question disposed of by Treaties and Capitulations existing between the Imperial Government and the European Powers.

10. The liberty which they claim to change religion without being molested is likewise considered superfluous by us, as a similar Law exists and is in force. The further right they demand that converts should be entitled to the inheritance of their parents is considered by us as altogether out of place, it being known that this is one of the fundamental laws of our religious institution.

11. The amnesty demanded for Christians is a right pertaining to the Sovereign, in which we have not to interfere, so far as political offences are concerned, but offences against persons and property being a right pertaining to the public, we are convinced that no Law will permit this request to be granted.

12. To their demand for an indemnity from the Imperial Government for damages by fire and other causes, we have to say that those who cause damage, and not the Government, are to indemnify sufferers according to the law.

In conclusion, all these demands aim at eliminating the Mussulman element from Crete, and, at the same time, at encroaching upon the sovereign rights.

The miserable and pitiful condition in which the island is now placed is solely due to the numerous privileges and concessions which were granted, also to the inefficiency of the Administration, to the numerous errors, and willing irregularities of public functionaries. The only object of Christians in asking for further concessions is to complete the ruin of the island.

The requests of Mussulmans are always made in a spirit of subordination, and are within the bounds of legality.

As Mussulmans are the principal land-owners in Crete, and as the demands made by the manifestants, if granted, would ruin us, we trust that their Memorandum will be rejected.

(Signatures follow.)

Canea, Crete, August 20 (September 1), 1889.

No. 25.

Consul Biliotti to the Marquis of Salisbury.—(Received September 17.)

(Extract.)

Canea, Crete, September 9, 1889.

ON persistent rumours that Christians were setting fire to the olive trees of Mussulmans in different parts of the country, I called on Saturday last on Shakir Pasha for the purpose of urging on his Excellency the necessity of hastening the return of the emigrants to their villages as the only means of preventing the destruction of their property.

As the burning of olive trees belonging to Mussulmans, by depriving the latter of all means of subsistence, would have for consequence to render impossible for ever their return home, I suggested to his Excellency to provide them with tents, an arrangement facilitating their immediate settlement, as well as the rebuilding of their houses.

Shakir Pasha, who on his side had come to an identic conclusion, was wiring at that very moment for 1,000 tents and also for timber for the use of emigrants.

Active measures are being taken by the authorities all over the island for sending back Mussulmans to their villages.

Christians and Mussulmans have re-entered their respective houses in the district of Selinos.

A certain number of Mussulmans who have the means of starting again in life, and a few whose property may not have been completely destroyed in other districts, may do so shortly; but the bulk of the Mussulman emigrants will not be able to move with the same facility.

The village of Galata is inhabited by the whole of its population, and Christians in most parts return to their villages in the vicinity of the towns, in which those take refuge whose houses are destroyed by fire.

No. 26.

Sir W. White to the Marquis of Salisbury.—(Received September 20.)

My Lord,

Therapia, September 14, 1889.

WITH reference to the question of concessions demanded by a portion of the inhabitants of Crete, I beg to submit a Memorandum drawn up with much labour and research by Mr. Arthur Hardinge, and I am sure that your Lordship will peruse with interest and, I hope, with approval, this able paper.

I am afraid that many persons who have not had an opportunity of paying attention to the financial condition of the Island of Crete may have run away with the impression that it yields to the Ottoman Government a revenue amounting in comparison to the sum paid by us from Cyprus. Such is, however, by no means the case.

The following Table reproduced, from the accompanying Memorandum, gives clear evidence on this point.

					Contribution per Head to Total Revenue.	Payment in Direct Taxes.
					£ s. d.	£ s. d.
Cyprus	..	..	..	..	0 16 0	0 10 4
Samos	..	..	..	..	0 14 3	0 4 3
Crete	..	..	..	..	0 8 0	0 5 11

The inhabitants of Crete are less taxed than those of any other portions of the Sultan's dominions, or probably of any other European country, and when the politicians of Athens recommend that they should obtain a semi-independence, and pay tribute to the Porte, it appears that there is no margin in the present financial condition of the island for any such arrangement, which would no doubt prove to be a fiction, and to which no statesman could be a party with his eyes open.

Whether by a modification of the present Parliamentary institutions of the island, and by salutary administrative reforms, it were possible to readjust more fairly the incidence of taxation, is a distinct question on which, as also on some others connected with the condition of Crete, I may have occasion to trouble your Lordship at some future time.

I have, &c.
(Signed) W. A. WHITE.

Inclosure in No. 26.

Memorandum.

BEFORE the sanction by the Sultan of the arrangement made in 1878, and habitually but inaccurately known as the Halepa Pact, the whole revenue of Crete was paid into the Imperial Exchequer, which defrayed out of it the cost of administering the island.

The duty of the Assembly was "*l'examen des moyens propres à assurer la perception intégrale des revenus de l'État*" (Firman of 1868, Article 14), but it did not possess the power of applying those revenues. It "studied" questions relating to works of public utility, and petitioned the Porte to allot to it for such works or other purposes within its competency, such portions of the revenue as the latter deemed expedient. ("*Le Gouvernement Impérial allouera sur les revenus de l'île des fonds qui seront destinés aux améliorations étudiées et proposées par le Conseil-Général et approuvées et décrétées par la Sublime Porte.*") (Firman of 1868, Article 12).

The average annual income of Crete just before the Iradé based on the years 1874-77, was as follows:—*

							Piastres.
Tithes	..	..	..	..	..	..	4,600,000
Indirect taxes	..	..	..	..	..	..	1,800,000
Customs	..	..	..	..	..	..	3,000,000
Total	..	..	..	..	..	..	9,400,000

The yearly cost of the Administration, however, amounting, exclusive of the garrison, to 17,533,300 piastres, there was an annual deficit of 8,133,229 piastres.

The effect of the new arrangement was to divide the revenues of the island. The Local Government received the tithe, in practice the only direct tax since, under the Firman of 1868, the payment for exemption from military service was abolished; it was relieved from any charge of maintaining the regular army as distinct from the local gendarmerie; it was further given the revenues derived from fish and sponge-fishery, judicial and notarial fines and fees, rent on public landed property and mines; and provision was made that in case the receipts from these various sources failed to cover the expenditure of the administration, the Porte should meet the deficit by the grant of a sum not exceeding half of the Customs revenue of the current year, the whole of which, together with the indirect taxes (on foreign-grown tobacco, stamps, and salt) were retained by the Imperial Exchequer. It was further provided that whatever annual surplus remained over after the cost of the Local Administration had been deducted should be divided between the Porte and certain specified purposes of public utility. But ever since the grant to the island of half the Customs revenues, not only has there rarely been a surplus, but on the contrary a growing deficit. This provision has necessarily remained in practice a dead letter.

In May 1887 the Cretan Assembly complained that the financial arrangements made at Halepa were unsatisfactory. They "were not," they said, "ignorant that the Imperial Government before 1878 expended, for the maintenance of the Local Administration, not merely the tithe revenue, but the whole income of the Customs and the indirect taxes, and even so, was forced each time to procure large sums from other provinces; or that, in undertaking to cover its expenditure out of the bare income of the tithe, the island had assumed a very difficult, if not superhuman, task."

They therefore threatened, unless they were granted in perpetuity the control and two-thirds of the Customs as well as the whole income derived from the stamp-duty, to forbid the payment of the tithe or of any other tax; and they carried out this menace in a formal Decree which was promulgated on the 17th May. Eventually, however, as the result of negotiation, and of the mission of Mahmoud Djellaleddin Pasha, they were induced to accept a compromise, which gave them the management of the Customs with half the Customs revenue, and provided that the division of any surplus between the island and the Porte should take place only after all deficits had been met.

* Consul Biliotti, June 20, 1889: see "Turkey No. 2 (1889)," p. 56.

The following is a statement of the receipts and expenditure of the Local Government during the last ten years, that is, since the so-called "Pact of Halepa":—

Year.	Receipts.	Expenditure.
	Piastres.	Piastres.
1879	5,519,558	8,949,180
1880	12,804,462	9,885,874
1881	6,273,988	8,622,363
1882	15,903,495	8,532,701
1883	7,493,204	9,365,870
1884	14,126,506	11,696,756
1885	5,713,478	12,612,100
1886	14,193,112	12,625,000
1887	4,846,882	14,708,758
1888	11,375,634	12,024,670
	97,350,323 (£ T. 973,503)	109,023,272 (£ T. 1,090,232)

Thus, the average yearly income of the Cretan Administration amounts roughly to £ T. 97,350 (88,500*l.*), and the average expenditure to £ T. 109,028 (99,100*l.*), leaving a deficit of £ T. 11,670 (10,600*l.*).

A little more than half this deficit has been covered by grants from the Customs revenues retained by the Porte. The total of these grants since 1878 is 5,888,282 piastres, equal to £ T. 58,882 (53,103*l.*).

The Cretans have further contracted a loan of 5,500,000 piastres (£ T. 55,000) (50,000*l.*) from the Bank of Constantinople, and the sum of 28,466,621 piastres required to make up the balance represents the surplus of the debts of the Cretan Treasury, which amount to 3,976,670 piastres, as against arrears of tithes due to it to the amount of 3,692,003 piastres.

If, as was expected, about half the arrears had been paid in, the deficit would, according to rough calculations, have been reduced to about 4,000,000 piastres (36,366*l.*), but Mr. Biliotti considers that after the present crisis it is more likely to amount, including interest on the loan, to 5,600,000 piastres (56,000*l.*)

Besides contracting the loan described above, the Assembly, in order to fill the Exchequer and redress the unequal system of taxation under which the urban population paid nothing to the Treasury, established in 1888 a tax of 5 per cent. on rental in towns. This tax was expected to yield 800,000 piastres (7,282*l.*), but was so badly assessed that it only realized 123,352 piastres (1,121*l.*)

The following are the details of the Budget of last year, which may be taken as a specimen Budget, premising, of course, that in Crete years of abundance alternate regularly with years of barrenness, of which the year 1887 was one:—

RECEIPTS.

(a.) Direct taxation—	Piastres.
Tithe on summer products	2,916,207
On olive oil	1,154,952
Fish	134,259
Sponges	121,542
Total	4,326,961
(b.) Miscellaneous receipts, chiefly fees—	
Judicial fees	62,169
Notarial fees	266,855
Mortgage fees	44,447
Fines	1,684
Sale of reserved burial grounds	11,366
Interest on arrears of tithes	44,885
Printing office	10,459
Sundries	42,655
Total	484,522

						Piastres.
(c.) Public lands—						29,620
	Rent of pasture	..	..	..	..	2,209
	„ public buildings..	..	..	..	..	759
	„ unowned property	..	..	..	..	
	Total	..	..	..	..	32,588
(d.) Mines ..						2,810
	Total	..	..	..	..	4,846,882
	Half the Customs	..	..	..	..	1,509,015
	Total	..	..	..	..	6,355,897 (£557,780)

EXPENDITURE.

						Piastres.
(a.) Administration	..	..	..	..	..	2,519,080
(b.) Treasury	..	..	..	..	..	345,600
(c.) Justice	..	..	..	..	..	2,346,360
(d.) Gendarmerie	..	..	..	..	..	5,211,460
(e.) Public works	..	..	..	..	..	2,839,000
(f.) Miscellaneous expenses	..	..	..	..	..	1,447,258
	Total	..	..	..	..	14,708,758 (£134,625)

In 1886 the figures were:—

RECEIPTS.

						Piastres.
(a.) Direct taxation—						5,895,461
	Tithes on summer products	..	..	..	..	7,428,621
	Olive oil	..	..	..	..	131,702
	Duty on fish	..	..	..	..	200,735
	Sponges	..	..	..	..	
	Total	..	..	..	..	13,656,530
(b.) Miscellaneous receipts—						77,873
	Judicial fees	..	..	..	..	277,433
	Notarial fees	..	..	..	..	38,574
	Mortgage fees	..	..	..	..	658
	Fines	..	..	..	..	
	Total	..	..	..	..	485,333
(c.) Public lands, &c.—						32,509
	Rent of pasture	..	..	..	..	3,024
	„ public buildings	..	..	..	..	3,662
	„ unowned property	..	..	..	..	
	Total	..	..	..	..	39,195
(d.) Mines ..						12,053
	Total	..	..	..	..	14,193,112
	Half the Customs	..	..	..	..	1,500,000
	Total	..	..	..	..	15,693,112 (£142,664)

EXPENDITURE.

						Piastres.
(a.) Administration	..	..	..	..	..	2,225,280
(b.) Treasury	..	..	..	..	..	316,800
(c.) Justice..	..	..	..	..	..	1,962,960
(d.) Gendarmerie	..	..	..	..	..	5,189,860
(e.) Public Works	..	..	..	..	..	2,080,100
(f.) Miscellaneous expenditure..	..	..	..	..	..	850,000
	Total	..	..	..	..	12,625,000 (£114,772)

Such being the share of the Local Administration in the revenues of the island, that accruing to the Imperial Government is now to be considered—

The Porte receives—

(a.) Half the Customs revenue, about £ T. 15,000, or 13,636*l.*;

(b.) That arising out of the Indirect Contributions, *i.e.*, out of duty on foreign-grown tobacco, stamps, and salt.

The revenue from the duty on tobacco is esteemed at 470,000 piastres (4,273*l.*) per annum.

That from stamps, though no figures are available later than 1884, may be reckoned, if an average of the previous years is taken, at 150,000 piastres (1,364*l.*)

Salt is rather an expensive monopoly, as the Government is bound to sell at 20 paras the oke, imported salt originally costing 30 paras. The quantity of salt consumed on the island varies with the quantity of the olive crops, but the average revenue from this source is estimated by Mr. Consul Biliotti at 765,000 piastres (61,500*l.*).

Adding up these various items, we obtain the following result:—

							Piastres.
Half the Customs	..	..	..	..	..	..	1,500,000
Tobacco	..	..	..	..	..	..	470,000
Stamps	..	..	..	..	..	..	150,000
Salt	..	..	..	..	..	..	765,000
Total	..	..	..	..	..	..	2,885,000
Loss on salt	..	..	..	..	..	..	255,000
Expense of collecting duties	..	..	..	..	..	..	130,000
Net profit to the Porte	..	..	..	..	..	..	2,500,000 (£22,727)

The present demands of the Cretans, as represented by the Liberal majority in the Assembly, are for the remaining half of the Customs revenue and the whole of that derived from stamps. They also demand the establishment of an Agricultural Bank, which latter has been promised them, together with the sum of £ T. 20,000 payable in instalments to enable the payment of overdue salaries, &c., by Mahmoud Djellaledin Pasha.

Inasmuch, however, as the revenues arising out of the Indirect Contributions have been made over by the Decree of the 20th December, 1881, to the bondholders, the Porte cannot grant any part of them to the Cretans, unless it gives an equivalent, with the consent of the bondholders representatives to the Administration. The only financial concession practicable, therefore, would be the grant of the remainder of the Customs revenue, in which case the Porte would draw absolutely nothing from an island in which it is obliged to maintain a considerable military force, and would probably have to face an agitation for the imposition by the General Assembly of heavier import and export duties.

"The Cretans," says Consul Biliotti, "have hinted that on obtaining the whole Custom-house income they would impose heavier import and export duties; of course, their intentions would be defeated by existing Treaties, but this would not prevent agitation and fresh perturbations of the public peace.

"If, moreover," as Mr. Biliotti asserts has been the case, "the Assembly has deliberately increased the local expenditure in order not only to absorb any surplus that might have accrued to the profit of the Porte, but also to obtain further financial concessions," the Porte may reasonably doubt whether a policy which would crown these manœuvres with success would afford any prospect of a final or even of a temporarily satisfactory settlement.

It remains to touch shortly on the incidence of taxation. Taking the rural population at 57,600 families, *i.e.*, 237,600 souls,* and the tithe amounting to 156½ piastres per family (1*l.* 8*s.* 4*d.*), we arrive at the result of 41½ piastres (7*s.* 6*d.*) per head.

The urban population, consisting of 10,400 families, or 42,900 souls, paid until the present year no direct tax whatever. Since the establishment of the rent tax described above, and the proceeds of which amounted to 123,352 piastres (1,121*l.*), they may be regarded as paying 12 piastres (2*s.* 2*d.*) per family, or 2½ piastres (6¼*d.*) per head.

Taking the whole revenue of the island arising both from direct and indirect taxation, and estimating it at 12,610,000 piastres (the average of the last ten years), we obtain, if we divide it by the sum total of the population, the sum of 44½ piastres, or 8*s.* 3*d.* per head.

It may be interesting to compare the taxation of Crete with that of the two other Mediterranean islands in which a somewhat similar system of taxation exists, and which, whilst forming part of the Turkish Empire, are administered under peculiar

* Consul Biliotti estimates each family at 4¼ souls, but adds that this estimate is a low one.

institutions. A comparison will show that of these three peculiarly administered islands Crete is, upon the whole, the lightest taxed.

If an average of the last ten years be taken, and the sum total of the receipts from all forms of taxation divided by that of the population, it will be found that each inhabitant of *Cyprus* pays 16s. per annum in taxes. In direct taxes, in including under that head tithe, verghi, and the sheep and goat tax, he pays about 10s. 4d. per annum.

In Samos, taking the statistics of last year (in the absence of fuller information), the total receipts are 3,388,572 piastres from a population of 43,117, or 78½ piastres per head.*

The direct taxes amounted to 1,019,343 piastres, or 23½ piastres (4s. 3d.) per head, the indirect taxes to 1,173,526 piastres, or 27¼ piastres (4s. 11½d.) per head, and the receipts derived from miscellaneous sources to 1,195,703 piastres, or 27¾ piastres (5s. 0½d.) per head.†

In Crete, as already stated, a division of the revenue by the population gives 8s. as a contribution, to the total revenue, of each inhabitant, or, if direct taxes alone be counted, of 5s. 11d.

The following Table will give these results in a more concise form :—

				Contribution to Total Revenue per Head.	Payment in Direct Taxes.
				£ s. d.	£ s. d.
Cyprus ..	..	..	..	0 16 0	0 10 4
Samos ..	..	..	..	Or { 0 14 3	0 4 3
				{ 0 11 0	
Crete ..	..	..	..	0 8 0	0 5 11

(Signed) ARTHUR HARDINGE.

No. 27.

Sir W. White to the Marquis of Salisbury.—(Received by telegraph, September 21.)

My Lord,

Therapia, September 21, 1889.

I HAD the honour to receive your Lordship's telegram of the 18th instant, repeating one received from Sir Edmund Monson, in which he states that an idea prevails at Athens that Shakir Pasha is acting with undue severity in establishing order in Crete. There is no corroboration here of this supposition, and Her Majesty's Consul in Crete is certainly not of that opinion, as will be seen from his despatch of the 7th instant, and from other despatches.

I have communicated the substance of the above to Sir Edmund Monson.

I have, &c.

(Signed) W. A. WHITE.

No. 28.

Consul Biliotti to the Marquis of Salisbury.—(Received September 23.)

My Lord,

Canea, Crete, September 10, 1889.

COMMUNICATIONS are re-established in the whole of the Province of Canea, but they are hardly opened in that of Rethymo, where there is not an adequate number of troops, while the murder of a Christian, and the wounding of another near Candia on the 3rd instant, has caused Christians to discontinue coming from the district of Malevisi.

Christians arriving from the districts round Canea confirm the fact that there never existed any other armed band but that of Cacouri, that is, recalcitrant tithe-farmers, outlaws, and a few Conservative Chiefs, together about 150 men; and that no fighting ever took place except the exchange of shots on troops ascending the heights of Kerotidi. (Reference to my despatch of the 20th ultimo.‡)

They further state that the only Christians who fired on the troops at Hiraspollo,

* Including foreigners, 14s. 3d.

† Including an item entitled "fonds de réserve" amounting to 778,098 piastres, which, if deducted, would reduce the contribution per head of each inhabitant of Samos to 60 piastres, or about 11s.

‡ See "Turkey No. 2 (1889)," p. 125.

killing one and wounding another soldier, were two shepherds, and that the firing of mountain guns had for object to frighten Christians coming from the mountain to attend to their property as mentioned in my despatch of the 3rd instant.

The only incident that took place during the march of the troops across the districts of Cydonia, Selinos, and Kisamos was that a shepherd shot at and missed two soldiers who had walked at some distance, and that he was apprehended.

Last Saturday three or four battalions, under the command of Djevad Pasha, proceeded to Apokorona without firing a shot, and were well received by the population, as were also troops that marched to the district of Monofatsi with the Governor of Candia.

In the places which are not as yet occupied by troops, dissensions are rife between political parties, but no details are known.

However, judging by those that oozed out, they would rather seem to be between the people, and especially the Conservative leaders.

Thus, in the Province of Rethymo, Mussulmans have lately pillaged the house of a certain Yussouf Bey, and burnt that of Sambropoulo, one of the five delegates of the manifestants.

Several Conservative leaders who went in the district of Kisamos in the hope of finding a boat for carrying them to Greece, were prevented from embarking by the Christians of the locality who did not want to allow them to get out of trouble after they caused the perturbation from which is suffering the island.

Anastasaki, *alias* Malandaki, one of the five Deputies to the General Assembly who signed the Decree for annexation to Greece, was apprehended at Kisamos, his district.

The circumstance has created a panic among Conservative leaders at Canea. They are in the greatest perplexity, for the harbours are too well guarded for them to attempt to escape, and they do not dare to proceed to the country and try to cross to Greece from fear of the treatment they may receive at the hands of the Christian population.

They are discussing the opportuneness of denouncing the Beys, their Mussulman partizans, who, while they were on the mountains, sent them money and victuals; but they fear the consequences of compromising too many individuals.

I have, &c.

(Signed) ALFRED BILIOTTI.

No. 29.

Consul Biliotti to the Marquis of Salisbury.—(Received September 23, 1:30 P.M.)

(Telegraphic.)

Canea, Crete, September 23, 1889, 9:40 A.M.

HER Majesty's Embassy having inquired with regard to his Excellency Shakir Pasha's proceedings, I have the honour to wire to your Lordship my reply thereto:—

"All the outrages which have taken place have been duly reported. Shakir Pasha has hitherto acted with praiseworthy impartiality and good-will, but there have nevertheless been repeated and increasing complaints during the last few days of the ill-treatment of Christians by the troops in the country, and there is a feeling that the Mussulmans have got the upper hand, and are beginning to oppress the Christians.

"Shakir Pasha, in reply to my representations on this subject, assured me that no such complaints had reached him, and I have no doubt that this is the case, because the Christians are afraid of making complaints to the authorities. His Excellency appeared to think that I had been misinformed, but I fear that there is some foundation for the reports in question, although they may be exaggerated. It is also said that, whereas many Christians have been recently apprehended for acts of arson committed a little while ago, hardly any Mussulmans have been arrested. But, although there may be some grounds for this statement, I have not yet been able to obtain any confirmation of it. The authorities should take great care to suppress anything which can give real cause for complaint, because there is a danger of matters assuming a much more serious aspect than has hitherto been the case."

Consul Biliotti to the Marquis of Salisbury.—(Received September 24.)

(Extract.)

Canea, Crete, September 17, 1889.

HIS Excellency Shakir Pasha having kindly invited the French Consul and myself to accompany him to Selinos, we embarked on board his Excellency's yacht "Ismail" on the 14th instant and returned here last night.

We landed at Paliohora (Selino Castetti) and proceeded to Condanos, the residence of the Kaïmakam, and from thence overland to Kissamo Castetti, where we embarked on board the "Ismail."

The greatest tranquillity prevails all over these two districts.

Shakir Pasha halted wherever we met Christians and Mussulmans, and inquired whether they had to formulate any complaint.

The answer was invariably negative, not only on the part of Mussulmans, but also on that of Christians, both expressing their satisfaction at being reinstated in their villages.

The number of houses destroyed at Selinos is greater than previously reported to me, several having been burnt subsequently, as well as a number of olive and chestnut trees.

Shakir Pasha has given orders to draw up lists of the property destroyed, but it is reckoned that the loss is equal on both sides.

At Kissamo Castetti Mussulmans have burnt down a few Christian villages and houses near the town, and Christians all Mussulman villages in the district, as well as a good many olive trees, all of which are to be returned.

So far as I have been able to find out, three Christians and one Mussulman were murdered at Selinos and six Christians at Kissamos.

At Selinos Christians and Mussulmans have nearly exchanged all the property mutually stolen, and orders to do the same have been left by the Vali at Kissamo.

My impression is that should these instructions be carried out all over the island, as they have already been in some parts of the district of Candia, the losses on both sides will be so greatly reduced, especially among Mussulmans at large, as to facilitate to a certain extent their reinstatement in their villages.

Shakir Pasha has had occasion to personally ascertain that the construction of peasants' houses is not the great impediment to the return of the emigrants in their villages.

Temporary shelter during the rebuilding of the houses by the peasants is the great difficulty for an immediate return. But it may be overcome, even in the absence of tents, by erecting shelters with the timber expected from Constantinople.

The more I see of Shakir Pasha the more I am convinced that with so able and so well-disposed a functionary as he is, present difficulties will disappear one by one.

Shakir Pasha has spoken at Selinos and Kissamos for the substitution of a fixed contribution in money to the tithe, and this proposal was most favourably received in both districts.

As we travelled, his Excellency paid great attention to the natural conformation of the ground, as he intends to avail himself of the presence of troops here for making roads, a work in which it would be but just that Cretans should assist.

Mr. Vice-Consul Calocherino reports that villages (Mussulman) at Monofatsi are not so much damaged as it was believed.

Some mosques are burnt, and many Christian churches damaged.

In the villages partly burnt several Mussulmans are located in the same house and also in neighbouring villages, but they do not know how to manage at Remirio and Pyriotissa, where the Turkish villages are altogether destroyed.

The greater part of Christian property stolen by Mussulmans in the town and in the village of Daphnes was recovered by the authorities, who are returning it to their owners. All is quiet in the Province of Candia.

Mr. Vice-Consul Trifilli reports two murders, one of a Mussulman in the village of Fatimi, in retaliation for which a Christian was soundly beaten near the town, and that of a Christian at Armenous.

No. 31.

Sir E. Monson to the Marquis of Salisbury.—(Received September 24.)

(Extract.)

Athens, September 18, 1889.

THE Italian battle-ship "Lepanto," bearing the flag of Admiral Cannevaro, anchored in Phalerum Bay yesterday morning, having come direct from Canea.

The Italian Minister, Count Fé d'Ostiani, has informed M. Dragoumis that the object of the visit of the squadron to Cretan waters was the prosecution of an inquiry into the death of the Italian sailor who, as reported by Mr. Biliotti at the time, was stabbed by Mussulmans in revenge for the murder of one of their religion by Cretan Christians.

The Admiral, having made the necessary arrangements with the Consul, left the island at once to avoid misconceptions which a prolonged stay might excite; and he hopes that a satisfactory solution will make it unnecessary for him to return thither.

No. 32.

Consul Biliotti to the Marquis of Salisbury.—(Received September 24, 10.45 A.M.)

(Telegraphic.)

Canea, Crete, September 24, 1889, 6.40 A.M.

SEVENTEEN Christians were brought into the town yesterday as prisoners from Apokorona. They were all fastened to the same rope, and were dragged along by a gendarme; seven more came from Kissamos in the same manner, and four from Cydonia. It is stated that in all those districts, as also in that of Selinos, the prisoners are cruelly flogged when they are first arrested, and that those who arrived last night were constantly struck with the butt-ends of rifles by the soldiers who formed the escort.

It is even declared that women are likewise ill-treated, and that some of the Christians cannot leave their beds owing to the brutal manner in which they have been beaten. Two cases were quoted to me as having occurred in the village of Armenous.

Rumours have quite recently been circulated to the effect that Christians are apprehended, whether guilty or not, on the simple statement of any Mussulman, and consequently the whole Christian population are in a state of terror. It is said that 300 armed men from Apokorona and 200 from Selinos have removed from the plains to the mountain villages in the direction of Sphakia.

I have just heard from the Vice-Consul at Candia that there are many complaints of Christian prisoners being ill-treated, and being deprived of their arms, whilst the Mussulmans who destroyed Christian villages are not being punished. He adds that some of the Christians are said to have refused to give up their arms, and have fled to the mountains.

It is remarkable that the complaints of the Christians against the severity of the measures adopted should have been especially numerous in both provinces during the last four or five days, and that none of the Vali's subordinates should have brought them to his notice.

The Christians have hitherto given undoubted proofs of their sincere wish for peace and tranquillity. They are not likely to oppose the punishment of persons who are really guilty, but they will not submit to indiscriminate imprisonment and brutal treatment whilst the Mussulmans are allowed to escape with impunity.

No. 33.

The Marquis of Salisbury to Sir W. White.

Sir,

Foreign Office, September 24, 1889.

YOUR Excellency's despatch of the 14th instant has been received, and I have to request you to thank Mr. A. Hardinge for his interesting Report on the finances of Crete which was inclosed therein.

I am, &c.

(Signed) SALISBURY.

Consul Biliotti to the Marquis of Salisbury.—(Received September 26, 10 A.M.)

(Telegraphic.)

Canea, Crete, September 26, 1889, 8.10 A.M.

A CHRISTIAN who left the district of Selinos yesterday has confirmed to me the statement that the Christians who are arrested are invariably beaten by the soldiers even when they offer no resistance, but he has not heard of women having been ill-treated. Both Mussulmans and Christians are generally arrested on orders issued by the Governor, but it sometimes happens that the Christians are arrested on the simple requisition of the native Mussulmans who accompany the troops as guides.

My informant praises the impartiality of the Governor of Selinos, who is a Mussulman, but he states that there is, on the whole, a tendency on the part of the authorities to favour the Mussulman element. The real grievance is the indiscriminate manner in which the prisoners are flogged. Several Christians have fled from their houses at the approach of the soldiers for fear of being beaten, and return when they are gone, but none have gone to the mountains from that district. I consider that the state of things in other districts is much the same.

The Vali, whom I have just seen, is unwilling to believe that the soldiers have behaved so badly; but he will send the Military Commander to Selinos to-morrow, and will himself proceed to Apokorona to make inquiries, and to put a stop to ill-treatment if it is proved to exist. His Excellency has given orders for the release of the seventeen prisoners who were brought from Apokorona.

No. 35.

Consul Biliotti to the Marquis of Salisbury.—(Received September 26, 11.15 A.M.)

(Telegraphic.)

Canea, Crete, September 26, 1889, 8.20 A.M.

I HAVE received a telegram from the Vice-Consul at Candia reporting constant arrivals of Christian prisoners. Dissatisfaction prevails amongst the Christians. He reports three murders outside the town, and one man severely wounded.

No. 36.

The Marquis of Salisbury to Sir W. White.—(Substance telegraphed.)

Sir,

Foreign Office, September 26, 1889.

YOU will have received Mr. Biliotti's telegram of the 24th instant as to the severe treatment to which the Christians in Crete are stated to have been subjected in numerous instances.

I have to request your Excellency to remonstrate very earnestly with the Porte against the barbarities which appear from these accounts to be taking place. You will point out to the Turkish Government that nothing can be more unwise than to permit such proceedings.

It will be impossible to control the agitation to which reports of this kind are sure to give rise in Greece, and the Greek Government will be forced to give way to the popular feeling.

I am, &c.
(Signed) SALISBURY.

No. 37.

Consul Biliotti to the Marquis of Salisbury.—(Received September 27, 9.30 A.M.)

(Telegraphic.)

Rethymo, September 27, 1889, 7.30 A.M.

THERE is not the least complaint in this province of the ill-treatment of the Christians by the troops.

I am proceeding as far as Sitia.

Sir W. White to the Marquis of Salisbury.—(Received by telegraph, September 27.)

(Extract.)

Therapia, September 26, 1889.

I HAVE the honour to acknowledge the receipt of your Lordship's telegram of to-day's date respecting the recent disorders in Crete and the excesses alleged to have been committed there by the Turkish troops.

I am able to state that I have to some extent anticipated your Lordship's wishes by making serious representations to the Grand Vizier on several occasions recently.

His Highness Kiamil Pasha admits the gravity of the accusations that have been made, and recognizes their serious nature, if true.

However, he denies their accuracy, and declares that the Ottoman Government have full confidence in Shakir Pasha, who reports that stories of cruelties perpetrated upon the Christians are being disseminated by some persons in the island who are in connection with some fugitive ringleaders at Athens, co-operating there with members of the Opposition.

I am about to instruct Mr. Biliotti, Her Majesty's Consul in Crete, to take steps to investigate the truth of the barbarities alleged to have been committed, by proceeding in person to the various places where they are said to have happened, and also to speak to the Governor-General, and obtain a clear explanation from his Excellency.

Assistance in ascertaining facts connected with these reports might likewise be rendered by the Commanders of the British gun-boats stationed off the island.

By no other means shall I ever be able to arrive at the truth of these allegations in such a way as to carry conviction to the Grand Vizier that they are not the result of pure exaggeration.

I shall not fail, however, to continue in the meantime to urge my representations upon the Grand Vizier, and to couch them in still stronger terms.

Complaints having reached me a week ago from Athens of undue severity in the sentences passed upon the prisoners, I at once sent a message to Kiamil Pasha, and was informed, in reply, that only one capital sentence had been passed, and that this had been commuted by His Majesty the Sultan.

Consul Biliotti to the Marquis of Salisbury.—(Received September 29, 8 A.M.)

(Telegraphic.)

Candia, September 28, 1889, 10.40 P.M.

I HAVE sent the following telegram to Her Majesty's Ambassador at Constantinople:—

"I have received your Excellency's telegram of the 27th instant. I myself strongly suspected that there was a good deal of exaggeration in the rumours which had reached me as to the ill-treatment of Christians, and in more than one case they appeared to be mere inventions. I accordingly determined to proceed to the places mentioned, in order to ascertain what had really happened. As the Vali himself was going to Apokorona, and a General was being sent to make inquiries at Selinos, I thought it best to visit the eastern districts. I reported from Rethymo that no complaints had been made to the Vice-Consul. Both at Canea and in this town I observe that, owing to the excitement caused by the unusual measures which have been adopted, the Cretans have indulged more freely their natural propensity to exaggerate. At the same time, it is possible that the Christians hope that, by means of exaggerated statements, they may induce the Government to grant an amnesty for political offences, so as to put an end to the excitement. And some of the Conservative leaders may even go further than exaggeration in order to strengthen the hands of the Opposition in Greece.

"I have requested the Greek Archbishop to give me a list of any cases of barbarity which may have been reported to him. When I have obtained this list, as well as other details which are necessary, I shall visit the places where cruelties are alleged to have been perpetrated.

"The Mutessarif of this district is highly esteemed by all the Christians here."

The Marquis of Salisbury to Sir W. White.

(Telegraphic.)

Foreign Office, September 29, 1889, 12:30 P.M.

I HAVE received your telegram of the 26th instant.

You are authorized to give such instructions as you may think desirable to Consul Biliotti. You should explain to the Porte that Her Majesty's Government earnestly deprecate barbarous or excessive punishments being administered under the authority of Government officers or officials; and that cruelties inflicted by unauthorized persons with the permission or connivance of the authorities are still more to be deplored.

You may add, however, that, as regards offences proved to have been committed against the law, we do not think it our duty to object to the infliction of proportionate punishments.

Sir E. Monson to the Marquis of Salisbury.—(Received September 30.)

(Extract.)

Athens, September 22, 1889.

I HAVE been obliged to report to your Lordship that much irritation prevails here over the attitude assumed by Chakir Pasha towards the Cretans.

The press, which is not Ministerial, and many journals which support the Government—an independent and impartial press does not exist in Athens—indulge in very violent language against Chakir Pasha for the continuance of the courts-martial, and the delay in issuing an amnesty.

The last Proclamation made by the Vali, under date the 31st August (12th September), they characterize as infamous, on the ground of its proscription of the ringleaders of the late disturbances, and its denunciation of those who may give them shelter, food, or other succour.

For my part, I cannot see that what is called the Vali's severity is so devoid of justification. It is impossible to deny that the Christians are responsible for the beginning of the disturbances; and the sentences of temporary banishment passed upon some of the ringleaders by the courts-martial do not seem unjustifiably severe. The delay of an amnesty, and the prolongation of martial law are but the natural consequences of the fact that Turkey has been put to the expense and trouble of sending 30,000 men to put down disorder, nor can they fairly be assumed to be proofs that the Sultan intends to withdraw all previously enjoyed privileges, even that of a Christian Governor, and to rule the island henceforward by military force, when they may be logically defended by the necessity of apprehending and removing all those whose continued presence in the island might always compromise its tranquillity.

Consul Biliotti to the Marquis of Salisbury.—(Received October 1.)

(Extract.)

Canea, Crete, September 21, 1889.

NOTWITHSTANDING the personal exertions of his Excellency Shakir Pasha, the few cases of injustice or oppression which cannot be avoided in the exceptional circumstances in which this island is placed, and which cannot fail to be highly exaggerated, coupled with the sudden check of the unbounded licence which Christians have been allowed to enjoy for so many years, may cause a reaction among Christians, who, in that emergency, would find a number of armed men ready to support fresh malcontents.

I cannot allow to pass unnoticed two cases which bear out in a most striking manner the impartiality and goodwill animating his Excellency Shakir Pasha in the difficult mission which he has to perform in this island.

It was rumoured a short time since that some fifty peasants had been robbed near Canea by soldiers of all their money and provisions. The number of Christians, which before the evening was reduced to thirty, happened to be only five, who handed a Petition to the Governor-General. His Excellency ordered the commanding officer to

make an inquiry, which proved negative; but as one of the peasants had stated in what coins consisted the 5 piastres of which he had been despoiled, Shakir Pasha, convinced of the truth of the accusation, ordered a second inquiry, which resulted in the discovery of one of the culprits.

The soldier was immediately arrested and punished, and the commanding officer called to render an account of his conduct.

He stated that he had considered it his duty not to make public so reprehensible an act.

Shakir Pasha replied that officers concealing the shortcomings of a few soldiers were throwing discredit on the whole army, and that, as he had failed to do his duty, he suspended him from his functions, and sent him back to Constantinople.

The second case is as characteristic.

The Christian Justice of the Peace at Kisamos was apprehended under the inculpation of having excited people to revolt. However, the President of the court-martial informed the Vali that, whenever the prisoner was brought into the Court, he was crying and begging that his wife should be saved, and that he suspected some mystery in the case.

In fact, it would appear that the Justice of the Peace had, only a fortnight before, married a pretty and rich girl, whom the Christian Governor of Kisamos was coveting for his son; but it is not yet known whether the accusation against the prisoner is a base act of revenge.

In the meanwhile Shakir Pasha, having heard that there was an intention of carrying off the bride, and, being unable to see her himself, begged me, when we were at Kisamos, to ask her whether she had any apprehension, in which case his Excellency was offering to convey her to Canca in his yacht, but she happened to be in a village.

Before his departure Shakir Pasha told the Governor of Kisamos that he had heard of a plot for carrying off the person in question, and that he held him personally responsible for her safety.

In consequence of similar examples, I am certain that the only outrages that may remain unpunished will be those not coming to Shakir Pasha's knowledge, or whose perpetrators cannot possibly be discovered.

There is but one voice among Christians and Mussulmans for praising Shakir Pasha's conduct; but, at the same time, complaints against the treatment inflicted by the troops on Christians in the districts are so repeated and increasing, that I consider it my duty to submit to the Vali what I hear on the subject.

No. 43.

Consul Biliotti to the Marquis of Salisbury.—(Received October 1.)

(Extract.)

Canca, Crete, September 24, 1889.

HER Majesty's Embassy having inquired with regard to his Excellency Shakir Pasha's proceedings I have had the honour to wire to your Lordship my reply thereto, which runs thus:—

"All the outrages which have taken place have been duly reported. Shakir Pasha has hitherto acted with praiseworthy impartiality and good-will, but there have nevertheless been repeated and increasing complaints during the last few days of the ill-treatment of Christians by the troops in the country, and there is a feeling that the Mussulmans have got the upper hand, and are beginning to oppress the Christians.

"Shakir Pasha, in reply to my representations on this subject, assured me that no such complaints had reached him, and I have no doubt that this is the case, because the Christians are afraid of making complaints to the authorities. His Excellency appeared to think that I had been misinformed, but I fear that there is some foundation for the reports in question, although they may be exaggerated. It is also said that, whereas many Christians have been recently apprehended for acts of arson committed a little while ago, hardly any Mussulmans have been arrested. But, although there may be some grounds for this statement, I have not yet been able to obtain any confirmation of it. The authorities should take great care to suppress anything which can give real cause for complaint, because there is a danger of matters assuming a much more serious aspect than has hitherto been the case."

In continuation of the above, I telegraphed to your Lordship last night as follows:—

"Seventeen Christians were brought into the town yesterday as prisoners from

Apokorona. They were all fastened to the same rope, and were dragged along by a gendarme; seven more came from Kisamos in the same manner, and four from Cydonia. It is stated that in all those districts, as also in that of Selinos, the prisoners are cruelly flogged when they are first arrested, and that those who arrived last night were constantly struck with the butt-end of rifles by the soldiers who formed the escort.

"It is even declared that women are likewise ill-treated, and that some of the Christians cannot leave their beds owing to the brutal manner in which they have been beaten. Two cases were quoted to me as having occurred in the village of Armenous.

"Rumours have quite recently been circulated to the effect that Christians are apprehended, whether guilty or not, on the simple statement of any Mussulman, and consequently the whole Christian population are in a state of terror. It is said that 300 armed men from Apokorona and 200 from Selinos have removed from the plains to the mountain villages in the direction of Sphakia.

"I have just heard from the Vice-Consul at Candia that there are many complaints of Christian prisoners being ill-treated and being deprived of their arms, whilst the Mussulmans who destroyed Christian villages are not being punished. He adds that some of the Christians are said to have refused to give up their arms, and have fled to the mountains.

"It is remarkable that the complaints of the Christians against the severity of the measures adopted should have been especially numerous in both provinces during the last four or five days, and that none of the Vali's subordinates should have brought them to his notice.

"The Christians have hitherto given undoubted proofs of their sincere wish for peace and tranquillity. They are not likely to oppose the punishment of persons who are really guilty, but they will not submit to indiscriminate imprisonment and brutal treatment whilst the Mussulmans are allowed to escape with impunity."

I have considered it my duty to submit to your Lordship all the rumours that are afloat, and some of which may not be without exaggeration. At the same time, I consider it is perhaps better to go beyond, rather than to remain under, the mark, for in the present state of affairs timely precautions may be the means of preventing serious complications.

The situation is most difficult, and fraught with danger arising out of uncontrollable circumstances.

Animated as Shakir Pasha is with the best intentions, it is still impossible for him to personally attend to all the complaints of Christians, which may never come to his knowledge, there being no special channel for that purpose.

Native Christians, generally, are so awed that even those enjoying the confidence of the Vali, who reckons on information on their part, do not dare to bring to his knowledge the current reports of ill-treatment to their co-religionists.

All these circumstances help each other in creating an unpleasant state of things, and in rendering impossible to distinguish truth from falsehood or exaggeration.

A certain Captain Mathios Milonoyiannakis, a former Chief who exerted himself in preventing further disorders at Apokorona, even fought against Cacouri's band, and who can be believed, was telling me that denunciations on the part of Mussulmans, and ill-treatment at the hands of soldiers have become so common within the last few days that he is not without apprehension for his person.

A Mussulman, on whose word reliance can be placed, related to my clerk that Apokorona Christians themselves acknowledge that those of their co-religionists who were arrested were either incendiaries or individuals who had recently gathered the olive crop of a Turkish farm, and that only those who resisted to the public force were beaten.

However, this same Mussulman acknowledges that Christians in the district of Selinos have a right to complain of being ill-treated by the troops.

A Christian from Kisamos, whom I saw this morning, mentioned to me that, to his knowledge, there was only one case of ill-treatment.

I cannot give any details with regard to Christian prisoners being exposed to the sun for hours, as it is rumoured, or being made to carry a heavy stone on their shoulders on their march to the town.

But I have no difficulty in believing that they are struck with the butt end of rifles, and there is no doubt that they are conveyed to Canea fastened in a row to the same rope. An eye-witness stated that it was so tight that it had to be cut, and that the arms of the prisoners were shaking long after.

Exaggerated as all these rumours may be, it is difficult to admit that several

hundred people should have deserted their homes and removed to mountain villages without some real motive.

These individuals are not insurgents; on the contrary, they are those who have given proof of their ardent wish for peace and tranquillity.

Be this as it may, rightly or wrongly, they are terrorized, and they take the precaution of putting themselves out of the reach of the troops until they see how those arrested will be dealt with.

I am told that in some villages of Apokorona nothing but old men, women, and children remain at present.

There is a general outcry even at Canea among Christians of all classes who are beginning to fear a general rising if the present motives of complaint are allowed to continue. They do not object to the state of siege so long as they are not ill-treated and put in prison without an inquiry taking place.

Should panic, which is so contagious, spread in more places, there may be within a short period on the mountains thousands of armed Christians, without distinction of political party.

Under these circumstances, it is most essential that, without the least loss of time, efficient measures should be adopted in order to restore between the Imperial Government and the Christian population that confidence which existed since the arrival of his Excellency Shakir Pasha, and which has been so seriously endangered within the last few days.

No. 44.

Consul Biliotti to the Marquis of Salisbury.—(Received October 1.)

My Lord,

Canea, Crete, September 24, 1889.

I HAVE the honour to report that four battalions marched from Rethymo to Candia, where they arrived on the 20th instant. Everywhere they were welcomed by Christians.

Troops having been sent to the village of Lakkas at the request of the Mayor for manifestant leaders, and a few of their followers who had taken refuge in that village, fled to the mountains, discharging their fire-arms on the troops without effect.

Some twenty manifestants, amongst whom it is said were Cacouris, Sifaka, and a few officers of gendarmerie who had deserted, managed to cross from Sphakia to Greece.

Another party of as many, among whom were Petro Fumi and Condakda, embarked at Kissamo, but meeting a Turkish cruiser, were compelled to return on shore, where they are said to be surrounded by the troops.

A large Turkish steamer with timber from Constantinople for the use of immigrants, arrived on Thursday last, and was dispatched to Candia. Another steamer with a similar cargo is hourly expected here.

Some ninety families who had emigrated to Greece from Candia have returned to that town.

I have, &c.

(Signed) ALFRED BILIOTTI.

No. 45.

Sir W. White to the Marquis of Salisbury.—(Received October 1.)

My Lord,

Therapia, September 27, 1889.

WITH reference to my telegram of yesterday's date to your Lordship, I have the honour to state that I last night addressed the following telegram to Her Majesty's Consul in Crete with reference to his telegrams of the 24th and 25th instant:—

"It is very important that reports of brutalities and cruelties in Crete should be supported by proper evidence. The Grand Vizier denies the accuracy of such reports, and suggests that they are disseminated by persons who are in communication with the Opposition party in Greece. If your presence at Canea is not absolutely necessary, I should be glad if you could visit the places where it is alleged that barbarities have been committed, and ascertain by careful inquiry from impartial

witnesses how much truth there is in the statements which have been circulated. You might also request British naval officers to assist you in procuring accurate information. Try and obtain from Shakir Pasha a clear explanation as to the discrepancies between his Excellency's Reports to the Porte and those which you have furnished to Her Majesty's Government."

I have, &c.
(Signed) W. A. WHITE.

No. 46.

Consul Biliotti to the Marquis of Salisbury.—(Received October 2, 8 A.M.)

(Telegraphic.)

Candia, October 1, 1889, night.

THE list of the Greek Archbishop contains twenty-five cases, two of which are cases of ill-treatment. One in town committed by gendarmes is fully proved, the other necessitates inquiry in the village. Eighteen other cases mentioned by Archbishop are irrelevant; the remainder have been investigated. Details forwarded by post.

Several other cases of ill-treatment in villages came to my knowledge from other sources, of which some were dismissed on testimony of Christians.

I start to-morrow to meet the Governor, and to inquire into remaining cases in villages. For the last fortnight the Governor has been making preparations for the return of the Mussulmans in the southern districts.

A long statement sent by his Excellency was communicated verbally to the Consular Body to-day. In this he recapitulates all his proceedings, and begs Consuls not to give credit to alleged outrages, but to defeat intrigues by seeking explanations from the Government. It is believed that some Christians have left their homes, taking with them their arms, in order to avoid their being confiscated.

No. 47.

Consul Biliotti to the Marquis of Salisbury.—(Received October 2, 8 A.M.)

(Telegraphic.)

Candia, October 1, 1889, night.

I HEAR from Canea that the Vali, whilst he was at Apokorona, expressed his opinion that, although there was some foundation for the grievances of which the Christians complained, the reports had been greatly exaggerated. All the ill-treatment was attributed by the Christians to a native Turkish Captain who was in command of a detachment of troops and gendarmes. The Vali has sent this officer to town for trial. His Excellency has also released some fifty Christian prisoners, and he intends to appoint a Mixed Commission who will estimate the losses sustained by the Mussulmans to be paid by the Apokorona incendiaries. For the present the Christians have ceased to complain, and the reports are less exaggerated. But there is some amount of certainty as to a statement reported this evening, to the effect that some soldiers have been fired upon by manifestant outlaws on the heights of Cydonia, one man being killed and two wounded.

No. 48.

Consul Biliotti to the Marquis of Salisbury.—(Received October 6, 4 P.M.)

(Telegraphic.)

Candia, October 5, 1889, 11 P.M.

I RECEIVED a telegram from your Lordship this evening instructing me to inquire into and report upon certain outrages which are reported to have taken place. I am now engaged in making investigations, and I have to-day spoken to the parents of the woman who is said to have been murdered. The official inquiry failed to elicit any evidence of the murder, but there is a strong presumption to the contrary, and it appears probable that the murderers were Mussulmans. I hope to meet the Governor to-morrow, and I shall try and induce him to institute a second inquiry. Immediately afterwards I will visit the village where a woman is said to have been raped by seven soldiers.

I hear this evening from Canea that the Deputy Anastasaki has been exiled for fifteen years, and has been sent to Mosul. A Kaïmakam, named Gogonis, has been exiled to Konieh for life, but he will not be imprisoned, and his family will be allowed to accompany him. He will embark in a fortnight's time. About fifteen other Christians will probably be sent to Rhodes. These sentences have produced a strong impression upon all the Christians, but especially upon those who fear to receive similar punishment.

A case of rape has been reported to me, and the troops in the villages near Canea have violated the sanctity of two churches and mutilated a picture of a saint. Both here and at Canea there are numerous complaints against foreign gendarmes, for which there appears to be some foundation. The Christians are not satisfied with the Vali's inquiry at Apokorona, and they have begun to lose confidence in him.

No. 49.

Sir E. Monson to the Marquis of Salisbury.—(Received October 7.)

My Lord,

Athens, September 30, 1889.

A MEETING of the Cretans now in Athens and the Piræus was held yesterday in the Champ de Mars, on the outskirts of this city. It was very orderly, and only lasted about half-an-hour. The meeting unanimously, and with acclamation, passed a Resolution appointing a Committee of six, charged to draw up and deliver in person a Memorandum on the present condition of the island to the King, the Greek Government, all the illustrious visitors to the wedding, and all the Representatives of the Great Powers at Athens. The Memorandum will invoke their moral support and aid.

The Resolution further declared that the Cretans present devoted themselves to the fulfilment of their aspirations for the annexation of their island to Greece.

The meeting separated quietly, and no police appeared upon the scene.

The Opposition took no part whatever in the affair.

I have, &c.

(Signed) EDMUND MONSON.

No. 50.

Consul Biliotti to the Marquis of Salisbury.—(Received October 9, 1-30 P.M.)

(Telegraphic.)

Candia, October 9, 1889, 9 A.M.

I SPENT last night at the village of Gregoria, where the rape of a Christian woman by seven soldiers is said to have taken place. The priests knew nothing of the case. In the presence of one of them, and of two of the Elders of the village, the husband of the woman explained to me that this slanderous assertion had been traced to a Mussulman, whom he intended to prosecute.

With regard to the woman who was murdered, I saw Abdul Kerim Pasha this afternoon, and he had already ordered a second inquest to be held by the Sub-Governor of Candia, who is a Christian. Ten cases of ill-treatment were brought to my notice, and were related to me by the sufferers themselves. Five of them were very trivial. Five more cases were mentioned, which concerned individuals who are still in prison. together with five outrages of various kinds. These cases had not been submitted to Abdul Kerim Pasha, but in two instances, when outrages were reported to him, the guilty officers were brought before him with their arms bound, and were severely punished. Three days ago he issued a Proclamation inviting the Christians to refer all cases of cruelty to him, and, at my suggestion, he is going to order that all the head priests of the villages should make weekly reports to him.

No. 51.

Consul Biliotti to the Marquis of Salisbury.—(Received October 9, 2 P.M.)

(Telegraphic.)

Candia, October 9, 1889, 9.10 A.M.

I FIND that in the southern districts there is little or none of the dangerous feeling which prevails in the towns, and especially at Canea. The sentences of exile have produced very little impression in the province. The Christians endeavour to give back as little as possible of the property stolen from the Mussulmans. But the Liberals who inhabit the southern portion of the province where I now am are more inclined to come to terms. It is heartrending to see the villages which have been destroyed. The unfortunate Mussulmans only saved their clothing, and would be happy to get back one-half of the property they have lost. Abdul Kerim Pasha has acted with the greatest moderation. Hardly any Christians in the southern districts have been imprisoned. There are no armed bands in the hills. The Greeks are entirely mistaken if they believe that there is the slightest political animosity at the present moment in the villages of the Province of Candia.

No. 52.

The Earl of Lytton to the Marquis of Salisbury.—(Received October 10.)

My Lord,

Paris, October 9, 1889.

M. SPULLER asked me this afternoon what was my latest news from Crete. I told his Excellency that, up to the 6th instant, Mr. Consul Biliotti had reported a progressive improvement in the condition of the island; but that on that date, beyond which I had no information, there appeared to have been a decided change for the worse.

His Excellency then said that this was unfortunately the case; and that he had this morning received from M. Blanc accounts of further outrages upon women, and increasing exasperation on the part of the Christian population. These outrages his Excellency regarded as the most serious incidents that have yet occurred, because they clearly indicate a commencement of religious fanaticism amongst the Mussulmans in Crete. "And this," he said, "is an entirely new, and certainly alarming, feature of the situation."

I have, &c.
(Signed) LYTTON.

No. 53.

Admiralty to Foreign Office.—(Received October 12.)

Sir,

Admiralty, October 10, 1889.

I AM commanded by the Lords Commissioners of the Admiralty to transmit, for the perusal of the Marquis of Salisbury, extract from a letter from the Commander-in-chief in the Mediterranean, dated the 25th September, and also a copy of a letter, dated the 2nd September, from the Commanding Officer of Her Majesty's ship "Starling," in regard to affairs in Crete.

I am, &c.
(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 53.

Vice-Admiral Sir A. Hoskins to Admiralty.

(Extract.)

September 28, 1889.

BEFORE leaving Crete, Commander Brenton reported, by letter dated the 9th instant, that nothing of importance had happened during the past week, and that the affairs in the island appear to be gradually settling down. He inclosed a Report from

Lieutenant and Commander Scullard, of the "Starling," at Megalo Kastron, by which it will be seen that measures are being taken to provide for the return of the Mussulmans to their villages, and also serious steps in the direction of disarming the civil population. When these two objects have been attained, the disturbance in Crete will practically be at an end.

The "Starling" remains in Crete.

Inclosure 2 in No. 53.

Lieutenant-Commander Scullard to Commander Brenton.

Sir,

"Starling," at Megalo Kastron, September 2, 1889.

I HAVE the honour to report as follows:—

1. Tuesday, the 27th August, called on his Excellency Abdul Kerim Pasha, Military Governor of Candia district. He had translated to me a Proclamation calling on the inhabitants to open their shops, and carry on their various trades, as everything was quiet now. All the Bashi-Bazouks are disarmed, and the carrying of arms is prohibited. Three battalions arrived in the afternoon, and two were sent from here to Canea. The murderer of the Italian merchant captain was also sent to Canea this day. The total number of the various arms here is as follows:—

Infantry (9 battalions)	::	::	::	::	::	::	Men.
Artillery	::	::	::	::	::	::	7,200
Cavalry	::	::	::	::	::	::	300
Policemen	::	::	::	::	::	::	150
							350
Mountain guns	..	..	..	..	..	..	12

2. Wednesday, the 28th, his Excellency the Governor returned my call at 6.45 A.M. A great improvement is visible here in the short time he has had command of the district. This is from Her Britannic Majesty's Vice-Consul.

3. At the request of the Governor I dressed ship on Saturday in honour of the Sultan's accession. At 11 A.M. I called on him and congratulated him. I asked him, through the Vice-Consul, whether he had taken any steps to send the Turkish refugees back to their villages. He said he was going out with troops to inspect the villages and leave troops there; then, on his return, he intended to send them back. There are about 20,000 in this town.

A small tax has been placed on fruit coming into the town for sanitary purposes.

4. On Sunday, the 1st September, I was informed that the Pasha was out in the Turkish villages with troops, and had not returned at 6 P.M., so that it is evident he is carrying out his intentions. Will inform you when the villagers are sent out. From observation (personal) and that of the officers, the carrying of weapons of any description has been stopped.

I have, &c.
(Signed) W. J. SCULLARD.

No. 54.

The Marquis of Salisbury to Sir W. White.

(Telegraphic.)

Foreign Office, October 12, 1889.

THE Commander-in-chief in the Mediterranean has been informed by telegraph of your proposal that naval officers should assist Consul Biliotti in ascertaining facts regarding alleged brutalities in Crete.

No. 55.

Consul Biliotti to the Marquis of Salisbury.—(Received October 13, 8 A.M.)

(Telegraphic.)

Candia, October 13, 1889, 4 A.M.

I RETURNED to Candia yesterday evening. I find that in the southern and eastern villages which I have visited since the 7th beating was pretty general. As many as twelve persons suffered on the 2nd instant upon the occasion of the escape of a Conservative leader. The following is a summary of cases :—

							Cases.
One to three blows	..	..	..	..	..	..	16
Four to six blows ..	..	..	..	..	..	..	15
Nine to fifteen blows	..	..	..	..	..	..	8
Twenty to thirty blows	..	..	..	..	..	..	6

I have been told of two cases in which forty-five and fifty lashes were given without interruption, of one case in which the same individual received twelve lashes on four consecutive days. I can, however, only report what the sufferers stated to me, as I have not the means of checking their evidence.

The following appear to be the chief outrages : Opening of a woman's dress by a leading Mussulman and a native gendarme, with a view to search her person for a letter; apprehension of another female at 11 P.M.; marching of two priests and an old man, 80 years of age, with their arms bound, to head-quarters. No complaints were made to Abdul Kerim Pasha by the aggrieved parties. A Mussulman, who is employed as a Dragoman, is considered responsible for sixteen of these cases, which are of recent date.

I have brought the above facts to the knowledge of the Governor, and he has directed the Sub-Governor to proceed to the spot and hold an immediate inquiry. In accordance with his promise to me, the Primates have been ordered to report to his Excellency all cases of ill-treatment.

No. 56.

Consul Biliotti to the Marquis of Salisbury.—(Received October 13, 8 A.M.)

(Telegraphic.)

Candia, October 13, 1889, 12-30 A.M.

IN order to settle the claims of Mussulmans on Christians in the southern districts, the Governor has appointed a Commission exclusively consisting of Christians.

A Mussulman having shown spitefulness towards Christians, Abdul Kerim Pasha told him that he would not allow Mussulmans to believe that they could lift their heads because there were Imperial troops on the island. All Christians highly esteem his Excellency, but the situation is not an easy one. Mussulmans are daily returning in their villages, but they have neither houses nor victuals. The property taken possession of by the country Christians is considered by them as lawfully belonging to them.

The inhabitants of the Christian villages near the town are claiming from Mussulmans the restitution of their stolen property, and town Christians whose houses are still occupied by Mussulmans are clamouring for the restitution of their dwellings.

No. 57.

Consul Biliotti to the Marquis of Salisbury.—(Received October 13, noon.)

(Telegraphic.)

Candia, October 13, 1889, 10-50 A.M.

IT is only after the perusal of the detailed statement that I am posting to-day* that an exact idea can be formed of the importance to be attached to the cases reported to me by the interested parties.

Sir E. Monson to the Marquis of Salisbury.—(Received October 14.)

(Extract.)

Athens, October 6, 1898.

THE Ministerial paper, the "*Palingenesia*," published yesterday a leading article written in a much more sober and dignified style than that habitually indulged in both by itself and its colleagues of the press in dealing with political topics.

Consequently, and because it is undoubtedly a forecast of the manner in which M. Tricoupi will, as soon as he has an opportunity, lay before the Chamber and the country the views which he holds as to the present position of Greece internationally, and of the choice which has to be made between a policy of aggression and one of self-effacement, I think it as well to draw your Lordship's serious attention to the inclosed extract therefrom, which has been very carefully made by Mr. Rodd.

It must be borne in mind that the opponents of the Government charge M. Tricoupi with having, both by positive advice given through the Greek Consul-General in Crete and by the strictness with which he has prevented supplies of arms and ammunition from being sent to the island, greatly facilitated the task of the Turkish authorities in reducing the Christian malcontents to subjection and comparative powerlessness.

It must be equally borne in mind that M. Tricoupi and his colleagues argue that this conduct of theirs, which was from the first recognized by the Porte as loyal and honourable, gives them a right, additional to that which they claim on other grounds to raise their voice on behalf of the Hellenic Christians in Crete, and in favour of conciliation and clemency.

M. Tricoupi's opponents reproach him with having been outwitted by the Turks, who should have been made to pledge themselves to act with moderation and lenity in consideration of the attitude of abstention adopted by the Greek Government. M. Tricoupi's most bitter adversaries go the length of calling him a traitor to the Hellenic cause, because he exacted no such security from the Porte.

Inclosure in No. 58.

Extract from the "Palingenesia" of September 22 (October 5), 1889.

(Translation.)

THE leading article deals with the condition to which Greece has been brought by successive Governments, a condition through which she finds herself unable to vindicate her rights when occasion arises: 400,000,000 fr. have been spent in mis-directed preparations and disorganized movements. The present Government has devoted all its energy to the reorganization of Greek finance and the effectual preparation of the country. The article continues:—

"Unfortunately, however, passions stirred to excess and unpardonable impatience have brought about ill-timed difficulties in Crete, which, through the foolishness and bad faith of the Porte, and the secret and insidious interference of certain powers, led to an acute crisis, and a condition of excitement fraught with danger. While still engaged in developing our national strength, we have been anticipated by events for which we are not responsible, which nevertheless affect our interests, and impose imperative duties upon us. This being so, there were only two courses open to us: semi-official intervention by the expedition of ammunition, money, and volunteers, or direct intervention by an expedition directed against the neighbouring Empire."

* * * * *

"The present Government is not, however, one that is likely to adopt the former policy, a policy unworthy of the nation and fruitless in results. The second course it is always time to-day or even later to adopt, only, either we must be persuaded that it will not injure our supreme national interests, and up till now we have held a contrary opinion, or the Boulé must vindicate this view and impose it as necessary. But even then it will lie with the Government to decide whether, in view of the state of affairs in Greece at the present time, and in Europe generally, they shall adopt this course themselves, or leave the grave responsibility to others.

"Independently of such questions, the solution of which it rests with the

Chambers to give, the present Government have amply done their duty to the country and the nation not only by their unremitting attention to preparations, but also by refusing to permit ill-judged movements which sober sense and real patriotism condemns to-day. It is another question what we may be compelled to do in a little while; if we are forced to action we shall do what we can. The question for to-day is this: are we, without due preparation and in opposition to the will of the whole of Europe, to throw ourselves into a desperate struggle with the certainty that we have nothing to gain by it, or must we swallow the cup which the indolence, the negligence, and the squandering of money by previous Administrations have prepared for us. We have now the alternative, after the lessons of recent experience, of either determining clearly and irrevocably whether Greece has or ought to have a national policy and a special mission in the East, or whether she has neither the one nor the other; and if she desires it, and she ought to have a national policy and a duty to perform to the Greeks who are still unliberated, she must spend unsparingly and spend exclusively on the military organization of the country, making all other objects secondary to this; but if not, let us strike out from the budget those millions devoted to hitherto useless naval and military expenditure. And this question we trust the national voice will soon be called upon to decide."

No. 59.

Consul Biliotti to the Marquis of Salisbury.—(Received October 14, 2.45 P.M.)

(Telegraphic.)

Candia, October 14, 1889, 11.10 A.M.

THE second inquest held by the Christian Sub-Governor of Candia in the case of the woman mentioned in my telegram of the 9th instant admits that she was murdered, but finds nothing to support the supposition that the murder was committed by Mussulmans.

No. 60.

Consul Biliotti to the Marquis of Salisbury.—(Received October 15.)

My Lord,

Canea, Crete, September 25, 1889.

I JUST had the honour to wire to your Lordship as follows:—

"A Christian who left the district of Selinos yesterday, has confirmed to me the statement that the Christians who are arrested are invariably beaten by the soldiers even when they offer no resistance, but he has not heard of women having been ill-treated. Both Mussulmans and Christians are generally arrested on orders issued by the Governor, but it sometimes happens that the Christians are arrested on the simple requisition of the native Mussulmans who accompany the troops as guides.

"My informant praises the impartiality of the Governor of Selinos, who is a Mussulman, but he states that there is, on the whole, a tendency on the part of the authorities to favour the Mussulman element. The real grievance is the indiscriminate manner in which the prisoners are flogged. Several Christians have fled from their houses at the approach of the soldiers for fear of being beaten, and return when they are gone, but none have gone to the mountains from that district. I consider that the state of things in other districts is much the same.

"The Vali, whom I have just seen, is unwilling to believe that the soldiers have behaved so badly; but he will send the Military Commander to Selinos to-morrow, and will himself proceed to Apokorona to make inquiries, and to put a stop to ill-treatment if it is proved to exist. His Excellency has given orders for the release of the seventeen prisoners who were brought from Apokorona."

On my first interview with the Vali on the subject of ill-treatment of Christian prisoners by soldiers, I suggested to his Excellency that, true or not, the rumours afloat should not be allowed to pass unnoticed. But Shakir Pasha, believing I was misinformed, delayed until he heard identic statements from other sources.

The measure which he has adopted to release the seventeen prisoners and to order an inquiry as to the treatment they received at the hands of soldiers has produced a most favourable impression.

Judging from precedents, I am certain that Shakir Pasha will not try to conceal the

truth, and that in all cases, after the steps he is now taking, there will be no serious motive for further complaints.

I have, &c.
(Signed) ALFRED BILIOTTI.

No. 61.

Consul Biliotti to the Marquis of Salisbury.—(Received October 15.)

(Extract.)

Candia, Crete, September 27, 1889.

AS Christians hinted that ill-treatment to prisoners was the consequence of superior orders, and as it was quite impossible to find out the truth under this head, as well as to the extent of cruelties, without comparing reports from different places, I made up my mind to proceed as far as Sitia, and to make inquiries on my way there and back.

I was the more induced to visit the eastern districts that there are no Representatives of any Power that might report on the subject of cruelties to Christians.

Besides, I consider most desirable to show the flag at Sitia and St. Nicola, where there are British commercial interests of some importance.

Her Majesty's ship "Fearless" having left for Morocco some time since, I embarked on board a mail-steamer for Candia.

On my passage through Rethymo yesterday, the 26th, I wired to your Lordship that I was proceeding as far as Sitia, and that there was not the least complaint in that province of ill-treatment on the part of troops.

Apokorona Christians coming very often to Rethymo, I have instructed Mr. Vice-Consul Trifilli to gather from them information which will enable me on my return to investigate the cases that may be brought to his knowledge.

Typhoid fever prevailing on board Her Majesty's ship "Starling," which is stationed here, and there being no steam communications, I am under the necessity of postponing my visit to the western districts—making, in the meanwhile, an inquiry in this town.

No. 62.

Consul Biliotti to the Marquis of Salisbury.—(Received October 15.)

(Extract.)

Candia, Crete, September 29, 1889.

I HAD the honour to transmit last night the following telegram which I addressed to Her Majesty's Ambassador at Constantinople:—

"I have received your Excellency's telegram of the 27th instant. I myself strongly suspected that there was a good deal of exaggeration in the rumours which had reached me as to the ill-treatment of Christians, and in more than one case they appeared to be mere inventions. I accordingly determined to proceed to the places mentioned, in order to ascertain what had really happened. As the Vali himself was going to Apokorona, and a General was being sent to make inquiries at Selinos, I thought it best to visit the eastern districts. I reported from Rethymo that no complaints had been made to the Vice-Consul. Both at Canea and in this town I observe that, owing to the excitement caused by the unusual measures which have been adopted, the Cretans have indulged more freely their natural propensity to exaggerate. At the same time, it is possible that the Christians hope that, by means of exaggerated statements, they may induce the Government to grant an amnesty for political offences, so as to put an end to the excitement. And some of the Conservative leaders may even go further than exaggeration in order to strengthen the hands of the opposition in Greece.

"I have requested the Greek Archbishop to give me a list of any cases of barbarity which may have been reported to him. When I have obtained this list, as well as other details which are necessary, I shall visit the places where cruelties are alleged to have been perpetrated.

"The Mutessarif of this district is highly esteemed by all the Christians here."

The complaints of Christians are—

1. That they are cruelly beaten by soldiers, and that their arms are taken from them.

I observe that confusion often takes place owing to both soldiers and gendarmes going by the name of "Stratiotai."

2. That Mussulmans not being arrested, nothing but Christian prisoners are brought from the villages.

3. That their claims are not attended to, while those of Mussulmans receive immediate attention; and

4. That Christian plaintiffs being thrown into prison on unsupported counter-claims of Mussulmans, the former are living in the greatest dread.

However, they admit that long before Christians, Mussulmans, many of whom are still in prison, were apprehended in the town where they all lived at the time, and that most of them were deprived of their arms, which are not returned to them on their departure for the country.

Only a few cases have been cited to me wherein Christian claims have not yet been attended to, but they are far from numerous enough to excite a general outcry.

Hitherto not a single instance has been mentioned to me justifying the dread of Christians that Mussulmans may take revenge by counter-claims. However, the fright of Christians is most genuine in many cases, and I am at a loss to find a reasonable cause for its intensity without admitting that some underground agency is at work.

The Greek Archbishop has just handed me a list of outrages against Christians which came to his knowledge, and which are identic with those related to me by the Greek Vice-Consul here.

Pending my obtaining information on these outrages, I beg to give the following details which were related to me by Christians, amongst whom the Greek Archbishop:—

Mussulmans, who were disarmed in the town with less mildness than Christians, were sternly refusing to return to the country unless the arms of Christians were likewise taken from them.

Abdul Kerim Pasha, the Governor of Candia, only confiscates such arms as are detected in Christian houses which are searched for stolen property.

The Greek Archbishop himself, although complaining of Christians being ill-treated on such occasions, told me that in instances where there was suspicion of more arms being concealed in houses, the commanding officer dismissed his men from further search.

But disarmament is a very touchy question with all Cretans, especially with Christians, and I should not be astonished that the great noise made on the subject of ill-treatment should also have for its principal object to prevent further confiscations of arms.

As Christians have related to me cases wherein infractions by soldiers were severely punished by officers, it is not improbable that, in some instances of ill-treatment, if true, they may be under the necessity of shutting their eyes, so as not to appear to treat Christians with more leniency than their co-religionists in identic cases.

This supposition is the more admissible that Christians are deprived of their arms in villages or places where Mussulmans can witness their being confiscated.

Christians at large have great confidence in Abdul Kerim Pasha, and complain of a change for the worse since his departure, about twelve days ago, for inland districts, where he is reinstating Mussulmans in their villages.

His return, which is soon expected, may put an end to present complaints.

According to information obtained from the best sources, the number of Mussulman prisoners is from 80 to 90, and of Christians of about 150.

The fact that Christians have ceased from fear, as they say, to sue Mussulmans, while the latter continue to bring actions against them, can account for the difference in the number of prisoners.

Many acts of revenge and oppression are taking place, not by the fault of the authorities, but in consequence of animosity between factions, which, despite all, are as implacable as ever. Ungrounded complaints, but supported by witnesses of the opposite political party, without regard to creed, are not of uncommon occurrence, and may account to a certain extent for the unbounded fear of Christians, who are more deeply involved than Mussulmans in factions.

Consul Biliotti to the Marquis of Salisbury.—(Received October 15.)

My Lord,

Candia, Crete, October 2, 1889.

I HAD the honour last night to wire to your Lordship in the following words:—

"The list of the Greek Archbishop contains twenty-five cases, two of which are cases of ill-treatment. One in town committed by gendarmes is fully proved, the other necessitates inquiry in the village. Eighteen other cases mentioned by Archbishop are irrelevant; the remainder have been investigated. Details forwarded by post.

"Several other cases of ill-treatment in villages came to my knowledge from other sources, of which some were dismissed on testimony of Christians.

"I start to-morrow to meet the Governor, and to inquire into remaining cases in villages. For the last fortnight the Governor has been making preparations for the return of the Mussulmans in the southern districts.

"A long statement sent by his Excellency was communicated verbally to the Consular Body to-day. In this he recapitulates all his proceedings, and begs Consuls not to give credit to alleged outrages, but to defeat intrigues by seeking explanations from the Government. It is believed that some Christians have left their homes, taking with them their arms, in order to avoid their being confiscated."

The substance of Abdul Kerim Pasha's statement, which was translated in my presence, is that his first care was to devise the means of reinstating Mussulmans in their villages; that he appointed Mixed Commissions to discover and return stolen property; that he compelled Mussulmans, who had stored a great quantity of spoils at the village of Meskinia, to return them to Christians, confiscating at the same time from Mussulmans a great number of arms; that, as the latter refused to return to their villages unless a like measure was adopted against Christians, he was under the necessity of confiscating also some arms from the latter, while returning to Mussulmans their stolen property; that unavoidable slight irregularities may have taken place, but that, as he acts openly, and with the assistance of Christian notabilities, the reported outrages are not consistent with truth, and that he consequently begs the Consuls not to put faith in malevolent and exaggerated rumours, but to apply to the authorities for information in every case reported by individuals who intrigue in order to obtain popularity, and to prevent the Government from accomplishing the task of pacifying the island.

I beg to transmit herewith a copy of the list of outrages handed to me by the Archbishop; also a translation of this document, with explanations in each case.

I have considered it best to submit to your Lordship in the very words of Christians their complaints in this province.

Some cases of ill-treatment by the police which have been related to me by the sufferers leave no doubt in my mind that there are real motives of complaint under that head in this town. Patronaki, No. 1, is one example.

As there was a general outcry at Christians being cruelly treated in the villages, and as very vague cases were mentioned to me, I was under the necessity of remaining here a few days, in order to find out what part of the province it was most convenient to visit for the object I have in view.

Among the great number of cases mentioned to me since, some proved, by Christian testimony, to be so exaggerated as not to represent the truth, and some were quite irrelevant by their own nature.

Of the remaining twenty-five cases, twenty concern ill-treatment, and five outrages of another nature, which I shall investigate on the alleged spots.

Hitherto only in one case from the villages could I see the sufferer himself, a certain Giorgi Haniotaki, of the village of Melessas, who stated that on the 9th (21st) September he received five blows with a stick, by order of the Mulazim of Varvarous. He also stated to have seen a certain Sifis Sphakianakis, of the same village, receive six similar blows by order of the same officer.

In all the other instances my informants had not witnessed, but had heard, the case from third parties.

I have, &c
(Signed) ALFRED BILIOTTI.

Inclosure in No. 63.

List of Outrages to Christians in the Province of Candia, handed to Consul Biliotti by his Grace the Greek Archbishop of Crete, on the 29th September, 1889.

Explanations.

(Translation.)

No. 1. SOME gendarmes having asked Zacharia Patronaki to give them wine, and he refusing, they seized him and unmercifully thrashed him while conveying him to the police-station.

No. 2. At the farm Livadiotis, near Pompea, a large stone weighing 30 or 40 okes was found close to the house of Janni Tsakiraki, and, on the suspicion that it had been taken from the destroyed Government Office at Mires, he was compelled, by thrashing, to carry it back on his shoulders to Mires, a distance of 6 miles.

No. 3. Some time since a certain Franghios Galenianakis—with his son and others, while coming to Candia from their village, Slanakia—was murdered by Turks at a place called Vezinegi Vrissi. However, the son and the other people coming together in the town are still in prison, the authorities not admitting that the murder was committed by Turks, and insisting that the son murdered his own father.

No. 4. A certain Jannis Pappadaki is kept in prison since many days because, on the evening of his being turned out of a house in which he temporarily resided, he went with his family to take shelter in a corner of his own house (now occupied by Turkish emigrants), and one of the Turkish women living there happened to die. The husband of the deceased accuses Pappadaki of having caused the death of his wife by the fright she experienced on his entering the house. However, the Mussulman doctor has declared that death was caused by a chronic disease.

No. 5. The position of Christians in Candia is desperate. Many Christians are imprisoned and thrashed on the least false accusation brought against them. It is sufficient for a Mussulman to accuse a Christian, whatever may be his position in life, that he has used offensive language towards the Sultan or the Mussulman religion, for him to be at once arrested and put in prison without inquiry, and afterwards embarked on board a Turkish steamer and sent to Canea. Such was the case with Anagnasti Pompeano.

No. 6. In the Province of Mylopotamo, a soldier having seen a dead child buried, and fancying that something was hidden, returned afterwards and dug up the grave to find the presumed object. The father of

ALTHOUGH six days had already elapsed, the contusions I have seen evidently prove that he was most savagely treated. The officer of gendarmerie promised to punish the culprits, but Patronaki doubts whether it was done.

Was to be ascertained in village; but Christians having arrived from thence assure that Tsakiraki carried the stone only a short distance, and that he was not beaten. Native Mussulmans, taking pity on him, begged and obtained that he should not proceed further.

I called the attention of the Acting Governor to this case, who replied that under martial law all persons present at a murder are detained until the inquest is over. Twelve Mussulmans are in prison under suspicion. The arms of all the Mussulmans in the vicinity of Vezinegi Vrissi were confiscated on the occasion of that murder.

The case having been represented to me as a very hard one, also by Mr. Vice-Consul Calocherino, I spoke to the Acting Governor, who seems himself to consider it in the same light. He said that it being connected with a case of death, the Court was bound to examine it carefully, but that he would recommend its speedy solution.

The opposite case, mentioned as an example, is the only one of the kind which has taken place. Pompeano, who is only a tavern-keeper, and is not perhaps altogether blameless, having been sent to Canea for the rehearing of the case, was acquitted, and is returning here by first steamer.

The servant of the Eastern Telegraph Company, of whom mention is made, is away on duty, and the case cannot be further ascertained in this province, Mylopotamo being a district of that of Rethymo.

*List of Outrages, &c.**Explanations.*

the deceased child accused the soldier, when the officer called all the soldiers stationed there, and the father of the child recognized the soldier who had dug up the grave. The officer called a second time the soldiers, and the father found again the soldier, but he failed to do so the third time, and the officer punished him by making him to stand the whole day opposite the sun. (This case is known to the servant of the Telegraph Office.)

No. 7. To Dimitri Petassaki, of Evghenikis (village), 2 medjids were offered, and they violated him. Another boy, 16 years old, was sent to St. Myron for the same purpose.

No one can give information on these cases.

Irrelevant Outrages.

No. 8. A gendarme entered the inn of J. Saridaki, in order to requisition animals, and not finding the saddle of one, he pushed into the house, where he met Saridaki's wife, and continuing his perquisition, in spite of the woman's cries, he found under the mattress a rifle, which he took, and went away after he had felled the woman to the ground.

According to Saridaki's statement, his wife was not thrown down, but pushed aside by the gendarme in order to enter the house.

No. 9. One soldier of the regular army went into the shop of Nicola Cardamaki, and claimed from him 2 Turkish liras as the balance of 16 medjids which he pretended to have given him a few days before to change, and on which he had only received 1 Turkish lira, with the promise on the part of N. Cardamaki to pay him the rest afterwards. The case is now before the police, but Cardamaki is afraid of a second visit of the soldier, and does not open his shop.

After a second visit of the soldier, Cardamaki complained to the commanding officer, who promised to punish the soldier if he ever returned to his shop. Cardamaki has not seen him since.

No. 10. On a rumour that the Mayor of Aghies Paraskies, Yannakaki, had beaten a sergeant of the troops, he was imprisoned. The truth, however, is that the Mayor, Yannakaki, having, by order of the local authorities, searched Turkish houses for recovering stolen goods belonging to Christians, he displeased the Cretan Turks, who accused him of having beaten the sergeant.

According to reliable Christian testimony, Yannakaki was not apprehended on the alleged rumour, but on proved gross insolence against the sergeant.

No. 11. A merchant, Andrea Anemo-yaunaki, brought an action against certain Turks, who burnt his house at the village of Varnaus, but the court-martial has done nothing in the matter.

The claim was submitted about a fortnight ago.

No. 12. A certain Giorgi Giagalaki, from Castetti of Pediada, was imprisoned on being accused by a Turk of having destroyed a house on a fixed day, although on that very day it is certified by the Municipal Doctor that the said Giorgi Giagalaki was ill and taking medicine.

A Government polling-box having been found in his house, Giagalaki was arrested for theft. So was the doctor, who was released five days after, for delivering a false certificate.

*List of Outrages, &c.**Explanations.*

No. 13. Anagnostis Pappadaki, from Aghies Paraskies, was imprisoned on the accusation of Mula Petmezi, of the same village, of having carried off his horse, although it is proved that the animal was stolen by another Christian from the village of Chudetzi on the very moment that Anagnostis Pappadaki was saving the life of Mula Petmezi, whose life was threatened by Christians owing to his having profaned a church in Aghies Paraskies.

No. 14. Every Christian invited by the court-martial to give evidence in an affair of which the Christian happens not to know is imprisoned, as is the case with a certain Manolis Sampakis, from Tyllissas, who is in prison, as he is unable to give evidence against Hadji Costandi Joannides and other individuals accused of the destruction of the village of Cerarmitz.

No. 15. Nicola Tyllisianaki, of Emparo, is imprisoned under the accusation that, being the Mayor, he did not prevent the destruction of the Turkish houses at Emparo. However, Tyllisianaki proves that when this took place he was at Andu, a village six hours distant, where he remained owing to the illness, followed by death, of Nicola Caghiambi.

No. 16. Some days ago two soldiers and one gendarme, named Ahmed Saranianos, having seized the shepherd Dimitri Curaki, from the village of Tyllissas, under the pretext of conveying him to the commanding officer, robbed him of 150 piastres. Later, on Curaki's reclamation, the soldiers returned the money, but the gendarme refused to do so.

No. 17. The Christian inhabitants of the villages of Cato Archanas and Scalani having sued some Mussulmans who pillaged their houses, the court-martial has not yet taken any steps; while when Christians are prosecuted by Mussulmans, even without foundation, as it is often the case, very severe steps are at once taken by the military authorities.

No. 18. In the village Cato Moulia, at a place called Almyri, two Mussulmans, after having been in intimate connection with a Christian woman, the widow of Valergaki, during two days, cut her throat on the spot where she was tending cattle. Two young Turkish boys saw the body of the woman and informed a Christian, who gave notice to the officer of the Imperial troops stationed there. The officer imprisoned the Christian and the two Turkish boys. The murderers have not been taken into custody. Mussulmans say with regard to this woman that she was suffering from

Pappadaki was one of a party who attacked Petmezi, whose life he appears to have saved afterwards. Petmezi sued Pappadaki, whom he recognized. The horse was returned, but Petmezi has further claims.

It is out of the question that the extent of facts known to a witness should be ascertained by me. This case is connected with No. 22, and concerns Christian factions.

Mussulmans present witnesses in support of their claim, and the case which was brought forward about a fortnight ago has not yet come on for trial.

I advised to submit the claim to the competent authority.

I ascertained from Christians of both villages that about half their stolen property was returned to them a week ago in consequence of measures taken by the Government.

Mussulmans state that they returned all they had.

The murder or accident took place on the 12th (24th) September. According to the inquest, which was held at once, it would appear that there are no other wounds but two bruises on the head, and that the inhabitants declare that the deceased was of unsound mind.

*List of Outrages, &c.**Explanations.*

epilepsy, and that she fell over a precipice and died, while doctors declare that it is impossible to ascertain after death whether the deceased was or not suffering from epilepsy.

No. 19. The troops searched the houses of Christians in the villages Petrokefati and Pompea in order to discover stolen goods belonging to Mussulmans, and confiscated thirty-eight rifles from Petrokefati and thirty from Pompea. The Christian inhabitants of the village Pegadakia, in Kenurio, having been informed that the troops had taken the rifles of the Christian inhabitants of the neighbouring village Coussé, have collected all Turkish spoils, and putting them in the middle of the village left with their rifles. They charged an old man to inform the Governor that they have abandoned their families and their houses, and have departed, as they learned that he collects the rifles belonging to Christians.

No. 20. The officer of the troops stationed at Malivisi has twice asked for the rifles of the village of _____, but they replied that they cannot give them to him unless he presents an Imperial Firman.

No. 21. A certain Nicola, of the village of Aghios Vassilios of Pediada, was arrested a fortnight ago, on the accusation of having torn the Koran on the day when the archives of the Government house at Castetti of Pediada were pillaged. He declares, however, that the Koran was saved by a certain Slaventi Pappadakis, from Chudeti, who delivered it to the Mayor of the village of Archanes.

No. 22. In consequence of the imprisonment of influential individuals in the provinces, such as Hadji Costandi Joannides, Nicola Mary of St. Thomas, Emmanuel Hagidaki, ex-Mayor of Tylissas, and of the prosecution of the Macrakis family from St. Myron, viz., of the father and of the two sons, Nicola and Michel, on the accusation of Selim Bey Tekirghiadaki, that they, together with Stetiano Slazzaki, the former Administrative Counsellor, Michel Slazzaki, ex-Mayor of St. Myron, and many other individuals, have incited the people to burn the house of Selim Bey at the village Kerannetze, about five persons from each village have taken to the mountains.

No. 23. Outrages on the part of the Albanian gendarmerie against Christians.

Notwithstanding a Government order prohibiting all publicans in Candia to retail wine and spirits under a penalty of 50 piastres for each offence in day or night time, even hotels, the said Albanian gendarmes enter wine-shops, and ask for drink. If given, they

Mussulmans were disarmed in the town, and their arms are not returned to them on their going back to their villages. But Christians consider unfair that while their houses are searched for arms those of the Mussulmans were not.

Disarmament is a very touchy question for Christians in Crete, as they say that arms may be returned to the Mussulmans at any moment.

I advised that the Koran should be handed back by the person who holds it now, and who is a Christian, so as to put an end to the claim.

The accusation of Selim Bey is supported by Christian witnesses, one of whom is a priest. This is a case of persecution of Christians of one political party against Christians of the opposite party, in which the authorities have nothing to do.

The high clergy is Conservative; the low, Liberal.

From all accounts, the case is very much as it is represented here. It would save many complaints, and perhaps future trouble, if such gendarmes as cannot do without spirits were given rations, or replaced by more sober men.

become tipsy, and thrash and insult the wine-dealer in his own shop; if refused, they convey him to the police-station, and after flogging him on the way there, they compel him to pay the fine of 50 piastres. Such was the case with Zacharia Patronaki.

No. 24. In the village of Vassilika Anaghia soldiers have wrested away the necklace of the wife of Adriano Amaragdi.

No. 25. A Christian was thrashed by native Mussulmans in the village of Miskinia unmercifully.

Christians from that village state that the case is examined, and that one soldier was arrested under suspicion.

No. 64.

Consul Biliotti to the Marquis of Salisbury.—(Received October 15.)

My Lord,

Candia, Crete, October 3, 1889.

I HAD the honour to send yesterday to your Lordship the following telegram:—

“I hear from Canea that the Vali, whilst he was at Apokorona, expressed his opinion that, although there was some foundation for the grievances of which the Christians complained, the reports had been greatly exaggerated. All the ill-treatment was attributed by the Christians to a native Turkish Captain who was in command of a detachment of troops and gendarmes. The Vali has sent this officer to town for trial. His Excellency has also released some fifty Christian prisoners, and he intends to appoint a Mixed Commission who will estimate the losses sustained by the Mussulmans to be paid by the Apokorona incendiaries. For the present the Christians have ceased to complain, and the reports are less exaggerated. But there is some amount of certainty as to a statement reported this evening, to the effect that some soldiers have been fired upon by manifestant outlaws on the heights of Cydonia, one man being killed and two wounded.”

I receive this moment complementary details from Canea.

On his arrival at Apokorona Shakir Pasha examined the prisoners whom he found here, and released fifty out of ninety.

His Excellency invited all Christians to submit to him their grievances freely and without fear.

He heard several men and women who had been struck with either end of rifles by soldiers or gendarmes.

Striking seems to have been common, but not of a serious character.

Christians accuse a certain Captain Molla Ibrahim, a native of that district, to have kept moving with the force under his command from village to village, thrashing, imprisoning at his will, searching houses for arms, and, when not detecting any, possessing himself of any valuables he could lay his hands upon.

The conduct of this officer should be thoroughly investigated, and if found guilty, he should be punished in an exemplary manner.

Christians also complain that a certain Hussein Bey Yannitzaraki, of Canea, whose houses at the village of Armenous (Apokorona) were burnt, managed to cause Christians to be thrashed and imprisoned at his will, so much so that, in order to escape persecution, they paid him indemnity in money or in bonds.

The state of things at Selinos is described as identic, even worse. Mussulmans at large, and no longer a single Bey, recovered most of their stolen property on the mutual enunciation of Christians, who feared thrashing and imprisonment. But not content with this, Mussulmans claimed up to their last missing movable property, and obtained from Christians payment in bonds.

In consequence of these proceedings at Selinos, Christians in the vicinity of Canea complain of the indifference of the authorities to obtain for them indemnities, and to punish Mussulmans who pillaged and burnt their houses.

Meanwhile, Commissions were appointed at Apokorona and Selinos to make enquiries with regard to stolen property, and thrashing was strictly prohibited everywhere.

It would appear that, during the stay at Selinos of Ibrahim Pasha, a soldier who

profaned a church having been discovered, was so soundly cudgelled, by his order, that he was almost left for dead.

However, Christians continue to be brought into Canea every day fastened to a rope, and being handed from station to station cannot avoid ill-treatment.

I have, &c.

(Signed) ALFRED BILIOTTI.

No. 65.

Consul Biliotti to the Marquis of Salisbury.—(Received October 15.)

My Lord,

Candia, Crete, October 3, 1889.

THE Government is accused of apprehending and imprisoning innocent Christians.

Whether the arrests are justified or not, the responsibility does not rest with the Government, but with those who bring forward accusations on which the authorities are bound to act.

Many of these suits are prompted by party feeling, which is still so strong that Christians do not hesitate to sue other Christians on groundless motives, or to serve as tools to Mussulman spite.

Under these circumstances, the blame falls on Christians themselves, and not on the Government, which could not refuse to act without arousing a storm, or allowing real culprits to escape the law.

At the present moment Cretans can be divided into three classes :—

1. Political offenders;
2. Offenders at common law; and
3. Neutrals, that is an insignificant minority coming under neither of these heads.

This classification is irrespective of race, for, politically, Christians and Mussulmans have acted in concert, and, notwithstanding the apparent division between the two races party feeling oversteps that of creed.

While this state of things has the advantage of preventing an outburst of religious fanaticism and its consequent horrors, it places the island in the no less dangerous position that may arise out of wild and extravagant political motives.

In the first case, repression is possible; in the second, persecution and utter ruin to both factions can be carried on under the cover of law for any length of time.

While on the one hand the Government can hardly refuse to attend to suits, on the other hand, if things should be allowed to continue in the present strain, gaols will be uninterruptedly quite full, and prisoners will succeed each other until such time as the whole population of the island has passed through the ordeal of being fastened and driven like cattle, thrashed on the way, and thrown in dungeon.

Under a similar treatment tranquillity will never be restored, and danger will be permanent, for it would be sheer imprudence to believe that all is over owing to the unopposed occupation of the whole island by troops.

The Government should therefore devise some other means for restoring tranquillity in Crete.

It rests with those in power to decide what these means should be.

In the meantime, I beg leave to most respectfully submit that as all political strifes here have Government offices for their only object, a measure which may much tend to break the existing factions would be to make away with the bone of contention.

That measure would be to import into Crete from other Turkish provinces all functionaries, from the highest to the lowest rank, without a single exception, in any branch of the Local Government.

In compensation Cretan officials might be appointed to equal, or even superior, posts in other provinces of the Ottoman dominions.

We all know that hunting for Government offices has led the island to its present situation. But even now in the Province of Canea, as well as here, to native Mussulman officers or officials used as interpreters are to be attributed recent complaints.

At Rethymo, where Mussulman influence is not yet established, and at Lassithi, where the Mutessarif is not a Mussulman, native Christian functionaries bring upon themselves identic imputations.

Put Mussulmans in the place of Christians, or Liberals in that of Conservatives, or *vice versa*, there will be no change whatever in the situation.

The fault lies with each Cretan belonging to one of the factions which are the scourge of his country.

Out of their island Cretans may be first-rate functionaries, as is proved by more than one example.

I have, &c.
(Signed) ALFRED BILIOTTI.

No. 66.

Consul Biliotti to the Marquis of Salisbury.—(Received October 15.)

My Lord,

Candia, Crete, October 3, 1889.

FROM the turn that affairs appear to be assuming, it is to be apprehended that, with all their ability and good-will, Shakir Pasha and Abdul Kerim Pasha may unexpectedly find themselves in the presence of greater difficulties than hitherto.

Most Cretans are convinced—and nothing but this conviction is a danger—that Greece will be under the necessity of moving in favour of their island in order not to completely forfeit the sympathy of its Christian population, and, at the same time, to put an end to the present state of things.

But even setting the Greek Government aside, the practices of political parties here and in Greece may complicate the situation.

It is rumoured that small bands of from ten to twenty men have been, or are about to be, formed in the districts, for the purpose of shooting at soldiers whenever they may meet them in isolated spots.

The want of ammunition would be an impediment at present to the execution, on a large scale, of this scheme, which is also likely to be defeated by the Christian population at large, from fear of the troops stationed in the districts.

Be this as it may, it would be most desirable also, in the interest of the Government, that an end should be put to the present situation before winter sets in.

A certain Sagundaki, of Cretan origin, now a French naturalized subject, and a correspondent of the Paris "Temps," arrived at Canea some time since. He is supposed to be a partizan of M. Delyanni, and to have been sent here by the Opposition in Greece in order to report on cruelties, and to spread the news through the papers in such a way as to excite the Hellenic population against the Greek Prime Minister.

This correspondent spreads here rumours detrimental to M. Tricoupi, whom he represents as having lost all popularity in consequence of Cretan affairs.

I have, &c.
(Signed) ALFRED BILIOTTI.

No. 67.

Consul Biliotti to the Marquis of Salisbury.—(Received October 16, 12:55 P.M.)

(Telegraphic.)

Candia, October 16, 1889, 11:20 A.M.

I HAVE seen the Governor, as well as Christian deputations from Sitia and other places. All is quiet, and there is not the slightest complaint against troops, but the animosity between Christian factions is as great as ever.

Very slight damage has been done to Mussulman property in the district of Lassithi, and none in the districts of Sitia and Hierapetra.

No. 68.

Admiralty to Foreign Office.—(Received October 17.)

Sir,

Admiralty, October 16, 1889.

WITH reference to recent correspondence, I am commanded by my Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for Foreign Affairs, a telegram, dated this day, from the Commander-in-chief on the Mediterranean Station, respecting alleged barbarities in Crete.

I am, &c.
(Signed) EVAN MACGREGOR.

Inclosure in No. 68.

Vice-Admiral Sir A. Hoskins to Admiralty.

(Telegraphic.)

Nauplia, October 16, 1889, 10.20 A.M.

WITH reference to your telegram,* I have received a Report from "Polyphemus," Senior Officer, Crete, and telegraphed it to Her Majesty's Ambassador at Constantinople. Do you wish it also? No absolute cruelty proved.

No. 69.

Sir W. White to the Marquis of Salisbury.—(Received October 18.)

My Lord.

Therapia, October 14, 1889.

I HAVE the honour to transmit, with reference to previous correspondence on the affairs of Crete, a précis prepared by my direction by Mr. Hardinge of the events which have led to the present crisis in the island.

I have, &c.
(Signed) W. A. WHITE.

Inclosure in No. 69.

Précis by Mr. A. H. Hardinge of Events in Crete from the Commencement of the present Agitation to the Mission of Shakir Pasha.

THE general elections for the Cretan Assembly held in April last resulted in the return of a Liberal majority. The Moderate Liberals obtained eighteen, the Extreme Liberals thirty-eight, and the Conservatives twenty-four seats, of four of which they were deprived by the majority, on the ground of alleged illegality in the elections. The Liberal ascendancy of the previous year was thus maintained.

The Conservatives, who for several months before had been working for the recall of the recently appointed Vali, Sartinsky Pasha, as too favourable to the Liberals, or too weak to withstand the oppression of their rivals, began, soon after the meeting of the Assembly, to promote agitation and troubles as a means of effecting this end. Thus, on the 18th May, one of their number attempted to move in the Assembly that union with Greece was the only way to rescue Crete from its present misgovernment and financial difficulties; whilst others shortly afterwards convoked armed meetings in various places, and endeavoured to produce disorders by preventing the payment of the tithes. The Christian members of the party at the same time withdrew in a body from the Assembly, thus leaving the field free to the so-called ultra-Liberals, who, no longer having to fear a combination of the moderate section of their own faction with the Conservatives, began a high-handed persecution of the latter, annulling their elections and appointments to public offices, and thrusting in their own supporters in their room.

The Vali was compelled, by the popular constitution of the island, to acquiesce, at the dictation of the majority, in the dismissal of officials whom they disliked, or else to see the same result obtained by the Parliamentary suppression of their salaries or posts. The Conservatives appealed to these proceedings as a justification for their own conduct, and they complained, not without a show of reason, of the corruption and partiality of the Judges, elected by manhood suffrage on party lines, of the worthlessness of the gendarmerie, a mere weapon in the hands of the ruling faction, of the shameless use of force and of fraud in the elections, in fine, of so intolerably a tyranny by the dominant ring of demagogues, as to render insurrection desirable, if only as a means of compelling repression and the restoration of a strong Government. They were further encouraged by the success with which their armed bands repelled the gendarmes sent against them.

Hitherto the antagonism between the rival factions had not been complicated by questions of race or creed, but the revival of the cry for annexation to Greece, together with the persistent rumours that Germany was favouring it, created a

* Admiralty to Commander-in-chief:—

"Sir W. White requests that naval officers in Cretan waters should assist British Consul in ascertaining whether information as to alleged barbarities is correct."

dangerous excitement, rekindling the fanaticism both of Christians and Mahommedans; and the murder of a Mussulman at Calioes, and the wounding of another at Halepa, were the signal for a passing but alarming recrudescence of the fierce religious and national hatreds, ever latent beneath the surface of Cretan politics.

Such was the condition of the island when, on the 15th June, Mahmoud Djelaleddin Pasha arrived as Imperial Commissioner to inquire into the crisis through which it was passing, and devise steps for remedying it. His appointment was viewed with pleasure by the Conservatives, with dissatisfaction by the Liberals, and with alarm by the Mussulmans of both parties, who had learned by experience that such missions usually ended in their being deprived, in favour of the Christians, of some of the few rights and privileges left them.

Three days after his landing the Session of the General Assembly came to an end; the Liberals, as a protest against his decision, having abstained from pressing their request that it should be prolonged beyond the legal term. Its work where not barren had been mischievous. All the measures proposed by the moderate party for reforming the administration of justice were rejected, with the exception of one transferring the election of Magistrates from the local Councils to the Assembly, a reform which the majority at once proceeded to apply by filling the vacant magistracies with men qualified by devotion to their own faction. They, at the same time, named a Permanent Committee of eight members to watch, after their dissolution, the proceedings of the opposite party, and to negotiate with the Imperial Commissioner.

Before breaking up, however, the Assembly drew up a Petition to Mahmoud Pasha on the subject of the island's financial difficulties. They urged that to meet the existing deficit, and to remedy the sufferings which the want of money and a series of bad harvests had entailed on the peasantry, the Porte should (1) authorize the establishment of an agricultural bank, should (2) remit to them the whole revenue derived from Customs and the stamp duty, and should (3) restore a sum of 4,900,000 piastres, arising mainly from tithes which they alleged to have been illegally appropriated.

On their side, the Conservative seceders assembled at Apokorona, sent a rival Petition, consisting of fifteen Articles. They demanded the recall of the Vali, the complete financial independence of the island, in return for a tribute to be subsequently agreed on, the revision of the Organic Law, the establishment of a bank and of a new fiscal system, the repeal of all Acts passed during the late Session, the appointment by the new Vali of Judges and other elective officers, pending the adoption of an improved system of election, and the reorganization of the gendarmerie. These reforms they wished effected not by the Assembly, but by Imperial Iradé.

The Porte yielded to the demands of the Liberal majority so far as to promise the establishment of the Bank, and a grant of the sum (to be paid in instalments) of 20,000 liras (about half of what they had asked) to meet the deficit, and enable the payment of overdue salaries, but these concessions, and the refusal of Mahmoud Pasha to comply with the Conservative request for the Val's recall, failed to satisfy the Liberals, who insisted upon the remission of the Customs and stamp duties, and threatened, if Sartinsky Pasha were removed, to withdraw, like their opponents, into the country, and organize armed bands.

At this stage of affairs Mahmoud Pasha was suddenly recalled, and left on the night of the 11th July. His mission was generally regarded as a failure. By displaying the weakness and indecision of his own policy, he still further diminished the authority of the Porte, whilst, by appealing to the Russian Consul-General to arrange matters with the Conservatives, he strengthened the hopes and self-confidence of the latter; and, though he went through the form of rejecting their demands, he allowed the impression to be created that the Sultan would end by granting them. His attempts to bring about an understanding between the two factions led to nothing.

The Liberals still insisted that the reforms demanded by their opponents could only be lawfully granted by the Assembly, *i.e.*, by themselves, and the Conservative bands having failed to carry their ends by other means began to resort to acts of violence, in part calculated and in part spontaneous, lifting and slaughtering the cattle, and burning or pillaging the houses of Mussulmans, with the result that the latter, a minority in the country, fled for refuge to the towns, where their co-religionists were numerous, and revived the slumbering embers of religious animosity. To increase the agitation, the Conservative bands, reinforced by outlaws from the interior and from Greece, and often led by Chiefs who, like Cacouris, were little

better than outlaws themselves, proclaimed their intention of beginning, within a week, a general insurrection, and thus hastened and swelled the flight both of Christians and Mahomedans to the towns. At Rethymo, at Canea, and subsequently at Candia, the country Moslems crowded in from the interior, threatening retaliation for the burning of their houses on the Christians, who on their side were seized with a sudden panic. Disturbances took place at several points, and several persons of both creeds were killed or wounded; amongst others five soldiers from a fort near Boutzonaria, who were murdered whilst fetching water by a Christian armed band. The struggle between the two Christian factions for the spoils of office thus began to assume the graver aspect of a conflict between the lower and more desperate classes of the Mussulman and Christian populations, a circumstance the more serious that the Turkish garrison in the island was inadequate to maintain order, and that time must needs elapse before the arrival of the reinforcements which the Porte, now thoroughly alarmed, hastened to summon from Syria, Macedonia, and Asia Minor.

In view of these facts, and of possible danger to the life and property of British subjects, the British Government decided to dispatch two ships of war to Crete.

At length the Porte determined to recall Sartinsky Pasha, and he left on the 29th July, Riza Pasha, the Vali of Janina, being appointed Acting Governor in his place. Three days later (1st August) Djavad Pasha arrived at Canea as *ad interim* Imperial Commissioner. He found affairs fast going from bad to worse. Four battalions, it is true, had just landed from Syria, but more troops were urgently needed, and the Gendarmerie, inclusive of its officers, had deserted *en masse*. The retaliatory burning and pillage of Christian houses in the neighbourhood of Canea, begun a few days back, was now spreading over the whole surrounding plain; in the city itself the Turkish mob assembled before the "Konak" and clamoured for arms, which, however, were refused them, and the town Christians, apprehending an understanding between the military and the rabble, endeavoured to escape into the mountains, and seek a refuge from panic in insurrection. Similar disorders occurred at Candia and at Rethymo. The recruiting of Mussulmans as gendarmes, and the distribution to them of arms and ammunition by the Governor, spread terror among the Christians, and the example of Great Britain was followed by France, Italy, and Russia, all of whom sent ships of war to the island.

The Porte continued to pour reinforcements into Crete, and dispatched (9th August) Shakir Pasha with full civil and military authority over the island. His instructions were to proclaim a state of siege, to establish courts-martial, to issue a temperate but firm Proclamation calling on the insurgent bands to lay down their arms, and, in the event of non-compliance, to suppress them by military force. The Turkish Government professed itself confident that he would succeed in restoring tranquillity.

(Signed)

A. H. HARDINGE.

Therapia, August 13, 1889.

No. 70.

Consul Biliotti to the Marquis of Salisbury.—(Received October 20, 5 P.M.)

(Telegraphic.)

Canea, Crete, October 20, 1889, 8:40 A.M.

I HAVE had interviews since my return here on the 17th with the different Liberal leaders, who have hitherto prevented an outbreak. Their complaints can be summarized as follows: Only Christians are condemned for political offences. While witnesses are required for apprehending Mussulmans, Christians are arrested on ungrounded accusations for common offences. Partiality is shown by Government functionaries towards Mussulmans; and, finally, outrages of all sorts and ill-treatments are committed by gendarmes and soldiers on Christians.

Rumours afloat, as compared to the statements of the aggrieved parties, are greatly exaggerated, as it was proved during my recent trip in the Province of Candia. However, as deep an impression is produced on the public as if all the details of rumours were true. Animosity against Mussulmans is created by the consequent excitement which will increase and prevent the restoration of peace so long as accusations and imprisonments on a large scale are carried on under court-martial.

A movement being impossible without help from without, ideas of revenge are already nurtured on the evacuation of the island by the troops, which Christians consider not to be very remote. On the first landing of cartridges in Crete an out-

break is likely to take place. A Committee at Athens, it is rumoured, has collected 4,000*l.* for the purpose of sending direct from France ammunition which is to be provided in that country.

The introduction, without loss of time, of reforms, especially with regard to Courts of Justice, and the reduction by a less complicated procedure for saving expenses, may be a means of remedying the evil.

No. 71.

Sir R. Morier to the Marquis of Salisbury.—(Received October 21.)

My Lord,

St. Petersburg, October 16, 1889.

I REFERRED, in conversation with M. de Giers to-day, to the rumour that M. Nélidoff was urging the Porte to publish an amnesty, and to withdraw troops from Crete

His Excellency replied that it was true that, in the opinion of the Russian Government, the time had come when an amnesty might produce a very salutary effect. He had been, however, very careful to impress on M. Nélidoff the necessity of using great caution in broaching the matter with the Porte, and for the present of acting only tentatively. As regards the question of the withdrawal of troops, he did not believe it possible that M. Nélidoff could have made such a suggestion.

I have, &c.

(Signed) R. B. D. MORIER.

No. 72.

Saïd Pasha to Rustem Pasha.—(Communicated to the Marquis of Salisbury by Rustem Pasha, October 21.)

Constantinople, le 19 Octobre, 1889.

LES journaux d'Europe publient un télégramme d'Athènes disant que quatre régiments se sont révoltés en Crète, et que Chakir Pacha, dont la position serait intolérable, a dû s'enfuir du camp.

Cette nouvelle est complètement fausse, et vous pouvez la démentir formellement. La vérité est que l'ordre et la tranquillité ayant été, sous les auspices de Sa Majesté Impériale le Sultan, rétablis en Crète, quelques soldats des bataillons de la Réserve de Smyrne ont demandé, vu la proximité de leur pays, à être renvoyés dans leurs foyers, sauf à retourner immédiatement dans l'île, si besoin était. Comme le licenciement de quelques bataillons avant l'hiver était déjà décidé, et que ceux de Smyrne avaient été appelés les premiers en Crète, Chakir Pacha leur a promis de commencer le licenciement par eux.

(Signé) SAÏD.

(Translation.)

Constantinople, October 19, 1889.

THE European newspapers publish a telegram from Athens saying that four regiments have mutinied in Crete, and that Shakir Pasha, whose position has become intolerable, has been obliged to escape from the camp.

This news is entirely false, and you can deny it formally. The fact is that order and tranquillity having been restored in Crete under the auspices of His Imperial Majesty the Sultan, some soldiers of the reserve battalions from Smyrna, in view of the proximity of their country, asked to be sent back to their homes, on condition of returning at once to the island if need be. As it had already been decided to disband some battalions before the winter, and as those from Smyrna had been called out the first for service in Crete, Shakir Pasha promised them that they should be disbanded before the rest.

(Signed) SAÏD.

Consul Biliotti to the Marquis of Salisbury.—(Received October 22.)

(Extract.)

Candia, Crete, October 7, 1889.

ON the 5th instant I had the honour to wire to your Lordship as follows:—

“I received a telegram from your Lordship this evening, instructing me to inquire into and report upon certain outrages which are reported to have taken place. I am now engaged in making investigations, and I have to-day spoken to the parents of the woman who is said to have been murdered. The official inquiry failed to elicit any evidence of the murder, but there is a strong presumption to the contrary, and it appears probable that the murderers were Mussulmans. I hope to meet the Governor to-morrow, and I shall try and induce him to institute a second inquiry. Immediately afterwards I will visit the village, where a woman is said to have been raped by seven soldiers.

“I hear this evening from Canea that the Deputy referred to in your Lordship's telegram has been exiled for fifteen years, and has been sent to Mosul. A Kaimakan, named Gogonis, has been exiled to Konieh for life, but he will not be imprisoned, and his family will be allowed to accompany him. He will embark in a fortnight's time. About fifteen other Christians will probably be sent to Rhodes. These sentences have produced a strong impression upon all the Christians, but especially upon those who fear to receive similar punishment.

“A case of rape has been reported to me, and the troops in the villages near Canea have violated the sanctity of two churches and mutilated a picture of a saint. Both here and at Canea there are numerous complaints against foreign gendarmes, for which there appears to be some foundation. The Christians are not satisfied with the Vali's inquiry at Apokorona, and they have begun to lose confidence in him.”

An officer of the Imperial troops is said to be the perpetrator of the rape of which mention is made in my telegram. It is stated to have taken place in the village of Ramin, in the district of Apokorona, and that the victim is the wife of a certain Nevraki, who was put in prison by that same officer. I intend to call in that district on my way back to Canea, and to inquire into that and any other outrages.

The church at the village of Vafé (Apokorona district) was profaned, and the picture of which I spoke in my telegram belonged to it. It was pierced with sword-holes, and was handed by Christians to the Russian Consul, who sent it to Shakir Pasha. Another church was despoiled by soldiers at Malathirou (district of Kissamos), and a leper was robbed of 10 dollars. The perpetrators of these two outrages, who were found out, were soundly thrashed by order, and the stolen property restored.

Consul Biliotti to the Marquis of Salisbury.—(Received October 22.)

My Lord,

Candia, Crete, October 8, 1889.

I HAVE the honour to transmit herewith a statement of the cases hitherto investigated by me.

They include all the incidents that were mentioned to me in Candia, as well as all those that came to my notice during my trip, whether important or not, in the villages which I have visited.

I have, &c.

(Signed) ALFRED BILIOTTI.

Inclosure in No. 74.

Cases of Ill-treatment and Outrages investigated on the spot by Consul Biliotti in the Province of Candia.

Village of Daphnes.—A Sub-Lieutenant, while drunk, struck with a cane he was holding in his hand a certain Mihail Panojotaki.

Village of Veneraio.—A few days since, two soldiers who during the night knocked at the door of a Christian house were flogged by order of the Commanding Officer.

In this same village, owing to party animosity, Christians burnt two houses, one

manufacture of oil, plundered one store-house belonging to their co-religionists, and killed one of them, on the 1st August last.

Village of Avieniki (No. 7 in Archbishop's List).—Dimitris Petanakis, 15 years old, was arrested as a means of capturing his brother, who was accused of arson. He was detained in the guard-room, and stated to me that a Sub-Lieutenant, who was there alone with him, offered him 2 dollars, which he refused to accept, and that this was done with obscene intentions. But there was not even an attempt to violate him, although he got frightened and began to cry. Two of the Christian Elders of the village, attracted by his cries, testified to me that when they entered the room they found the boy, whom they delivered, not divested of any of his clothes, and that he every time made to them the same declaration as now to myself.

No one in the village knows anything of the second boy mentioned in the Prelate's list.

Village of Meghali Vrissi.—The altar-stone of a small chapel situated outside the village was lowered from its place, and two candlesticks carried off, by native Mussulmans. Christians complain that this took place while troops were quartered in the vicinity. This is true, but the chapel is not visible from the Turkish camp.

Village of Aghios Thomas.—Four Christian tombs were opened by native Mussulmans while troops were there. They are the same troops of Meghali Vrissi, which is at a few minutes' walk. By the testimony of Christians, the deed is attributed to search for valuables, and not for the purpose of profaning the corpses or bones, which were not touched. One of the tombs had been used only a fortnight before.

Village of Aghia Varvara.—It was related to me that three boys, who, together with others, were transporting Government stores, complained that a Sub-Lieutenant made obscene proposals to them; that the Military Commander, to whom they referred the case, considered the charge as a slander, as no violence of any sort had been used towards them; and that, as soon as he had left the room, Yacoub Tshaoush, an Albanian gendarme, so violently slapped them that their faces got swollen. I could find only one of the boys, the others, I was told, having fled from the village from fear. He confirmed the statement in full, and it was corroborated, so far as the slapping in the face is concerned, by Christian witnesses.

This same Yacoub Tsaoush, being drunk, called at night Janni Petaki out of his house and struck him on the head with a stick.

Abdul Kerim Pasha, who made an inquiry in the case of the boys, is sending Tsaoush Yacoub to Candia, and will probably dismiss him.

Village of Moulia (No. 18 in Archbishop's List).—The father and mother of the woman who is alleged to have been murdered know nothing else of their daughter, except that the last they have seen of her was on Saturday, the 20th ultimo, and that she was found dead on the Monday following. As Mussulmans are returning in that village to rebuild their houses, women whose husbands are in prison sleep in each other's houses. She was invited to go with them, but refused. The aged parents of the deceased have no suspicion of any one as being her murderer. Mussulmans of Moulia testified to me that the deceased was of sound mind, and of irreproachable conduct. Two Christians, of different villages, who saw her body, assured me that there was a deep wound on one side of the forehead with a sharp instrument, and that there was a cut on the lobe of the ear; but while one maintains that the lips were cut off, the other says that they had been eaten by crabs, as her head was plunging in a stream, and that a handkerchief was fastened tight round her neck. Though the official inquest states that she came to her death by accident, Christians generally are of opinion that she was murdered by native Turks.

His Excellency Shakir Pasha has ordered a second inquest to be held by the Christian Mushaver (Sub-Governor) of Candia.

Giorgi Shiomouroudaki and Mihail Draganigo are still in prison for having destroyed an oil manufactory in the same village. But the wife of the first and the mother of the second maintain that these prisoners were so cruelly beaten after their arrest that they could not sit for five days.

Jannis Manoussakis, of the same village, stated to me that he received three lashes for not handing his gun, and that he had none.

Village of Yergheri.—Yannis Kiromouroudaki, of Moulia, is still in prison under the same accusation as his brother. The peasants of Yergheri, where he was temporarily residing when he was arrested on the 20th ultimo, state that he was not suffering from rheumatism, as it was reported, but from ague and fever, while the authorities maintain that he only feigned to be unwell. The peasants of Yergheri have not seen him ill-treated, but heard he was beaten on his way to Candia.

Village of Nivriton.—Mihail Mataliotaki was struck, on the 26th ultimo, by a soldier with the butt end of his gun in the chest, and showed me a large contusion which prevents him from breathing freely.

Dimitri Conidaki, of the same village, received, at about the same date, a lash from an officer of the army.

Village of Akourvoulas.—A certain Astrinas, rather an old man, states that he was held by one soldier under his arm and beaten by another with a heavy stick. Peasants say that he was dying, but he managed to walk to where I was sitting. He was leeches and appears to be still suffering, although a fortnight has elapsed since he was thrashed. But the general state of his health can hardly be attributed to ill-treatment, as a Christian stated he was suffering before his castigation.

Pattios, of the same village, was likewise beaten by soldiers, but not so severely. Both were apprehended and castigated for refusing to return stolen Mussulman property.

Village of Grigoria.—Canaki Gargero, whose wife was stated to have been ravished by seven soldiers, declares that nothing of the kind has ever taken place. That soldiers never met his wife out of his house, nor entered his house. But that, at the request of a Mussulman, named Ali Melis, he offered the hospitality to a native gendarme, and to a barber named Hamid, and that Ali Melis spread the slander in the village of Kamari, from whence it found its way into the town. He intends to sue the slanderer.

Stetiano Stoi, of the same village, was soundly whipped by a Mulazim (Sub-Lieutenant) while he was collecting arms, and was slapped in the face by the Lieutenant.

N. Halkiadakis, of the same village, was given twenty-four blows with a cane by the Mulazim for having been falsely accused of having uttered blasphemy against the Mussulman religion.

Some ten Christians were more or less thrashed by the barber Hamid, who speculated out of the fright of peasants, and extorted from them cheese and other provisions.

Most of these cases of ill-treatment appear to be owing to intrigues of native Mussulmans used as Dragomans.

No complaint was ever brought by any one on any of the forementioned cases to Abdul Kerim Pasha, who punished most severely those that came to his knowledge.

(Signed) ALFRED BILIOTTI.

No. 75.

Consul Biliotti to the Marquis of Salisbury.—(Received October 22.)

My Lord,

Candia, Crete, October 12, 1889.

ON the 7th instant I had the honour to wire to your Lordship from the village of Pompei (Bodia) as follows:—

“I spent last night at the village of Gregoria, where the rape of a Christian woman by seven soldiers is said to have taken place. The priests knew nothing of the case. In the presence of one of them, and of two of the Elders of the village, the husband of the woman explained to me that this slanderous assertion had been traced to a Mussulman, whom he intended to prosecute.

“With regard to the woman who was murdered, I saw Abdul Kerim Pasha this afternoon, and he had already ordered a second inquest to be held by the Sub-Governor of Candia, who is a Christian. Ten cases of ill-treatment were brought to my notice, and were related to me by the sufferers themselves. Five of them were very trivial. Five more cases were mentioned, which concerned individuals who are still in prison, together with five outrages of various kinds. These cases had not been submitted to Abdul Kerim Pasha, but in two instances, when outrages were reported to him, the guilty officers were brought before him with their arms bound, and were severely punished. Three days ago he issued a Proclamation, inviting the Christians to refer all cases of cruelty to him, and, at my suggestion, he is going to order that all the head priests of the villages should make weekly reports to him.”

The case at Gregoria is a striking example of how far quite unfounded rumours may seriously complicate matters at a given moment, and how indispensable it becomes to ascertain rumours on the alleged spots.

The fact mentioned to me by Christians that officers who ill-treated some of their co-religionists had been severely punished by the Governor renders incomprehensible that other Christians having real motives of complaint should not likewise apply to his

Excellency for redress. This could only be attributed either to good cause on the part of Christians for not applying to the authorities, or to apathy. Under these circumstances I have suggested to Abdul Kerim Pasha, who readily accepted my suggestion as the only means of putting an end to exaggerations, even to inventions, or to real outrages, that Christian Primates should be ordered by him to send in weekly reports, or *nil* reports, of outrages.

I have, &c.
(Signed) ALFRED BILIOTTI.

No. 76.

Consul Biliotti to the Marquis of Salisbury.—(Received October 22.)

(Extract.)

Candia, Crete, October 12, 1889.

I HAD the honour to send to your Lordship on the 7th instant the following telegram:—

“I find that in the southern districts there is little or none of the dangerous feeling which prevails in the towns, and especially at Canea. The sentences of exile have produced very little impression in the province. The Christians endeavour to give back as little as possible of the property stolen from the Mussulmans. But the Liberals who inhabit the southern portion of the province where I now am are more inclined to come to terms. It is heartrending to see the villages which have been destroyed. The unfortunate Mussulmans only saved their clothing, and would be happy to get back one-half of the property they have lost. Abdul Kerim Pasha has acted with the greatest moderation. Hardly any Christians in the southern districts have been imprisoned. There are no armed bands in the hills. The Greeks are entirely mistaken if they believe that there is the slightest political animosity at the present moment in the villages of the Province of Candia.”

It became clear to me as I distanced Candia that the opinions expressed in the town are got up, and do not represent the feeling of the rural population. In the villages, Christians spoke against the promoters of the disturbances, and against lawyers, who, they said, grudge the people citing examples in support of their assertions.

They insist here, as they do in the Province of Canea, for a reform in the present civil procedure, which is far too complicated and too costly. Although they did not appear to be much moved by the exile of Canea politicians, still they talked of the necessity of an amnesty.

Having inquired in what way they could be interested in the matter, they answered, with a child-like simplicity, that in that case they would not be compelled to return what they had taken possession of during the absence of Mussulmans from their villages.

On my pointing out to them that amnesty did not mean keeping stolen property, they replied that it was in consequence of an amnesty that in 1878 they had not returned what they had taken from Mussulmans, and that they had been induced this time to act similarly under the conviction that the result would have been identic.

What I state here with regard to the erroneous notion of Christians on property, incredible as it may appear to be, is the simple and pure truth.

In their hasty flight, Mussulmans told Christians that if they did not return they were welcome to the whole of their property, but that if they came back they would halve with them their corn and victuals for their trouble of keeping them during their absence. In most cases it is that half which Christians are now loath to give back.

Abdul Kerim Pasha is not forcing them to return the property. He is using moderation and patience to an exemplary extent.

To my knowledge there are eleven men from Mulia in prison whose twelve Christian families plundered and burnt the Turkish houses in their village a fortnight after troops were quartered in its immediate vicinity, and two or three from other places in the whole districts of Piriottissa and Kenourio, which consists of fifty-five villages.

In other districts where the population consists of the two factions imprisonment is more common on mutual accusations.

Without going so far, Mussulmans are also suffering from party strifes.

Many Christians fled on their houses being searched for stolen property, and a few of their arms being confiscated. But with the exception of a very few who are wanted by the authorities, all have returned to their houses.

Consul Biliotti to the Marquis of Salisbury.—(Received October 22.)

My Lord,

Candia, Crete, October 14, 1889.

ON the 11th instant I telegraphed to your Lordship to the following effect:—

"I returned to Candia yesterday evening. I find that in the southern and eastern villages which I have visited since the 7th, beating was pretty general. As many as twelve persons suffered on the 2nd instant upon the occasion of the escape of a Conservative leader. The following is a summary of cases:—

							Cases.
One to three blows	..	..	..	..	..	..	16
Four to six blows ..	..	..	..	..	..	..	15
Nine to fifteen blows	..	..	..	..	..	..	8
Twenty to thirty blows	..	..	..	..	..	..	6

"I have been told of two cases in which forty-five and fifty lashes were given without interruption, of one case in which the same individual received twelve lashes on four consecutive days. I can, however, report what the sufferers stated to me, as I have not the means of checking their evidence.

"The following appear to be the chief outrages: Opening of a woman's dress by a leading Mussulman and a native gendarme, with a view to search her person for a letter; apprehension of another female at 11 P.M.; marching of two priests and an old man, 80 years of age, with their arms bound, to head-quarters. No complaints were made to Abdul Kerim Pasha by the aggrieved parties. A Mussulman, who is employed as a Dragoman, is considered responsible for sixteen of these cases, which are of recent date.

"I have brought the above facts to the knowledge of the Governor, and he has directed the Sub-Governor to proceed to the spot and hold an immediate inquiry. In accordance with his promise to me, the Primates have been ordered to report to his Excellency all cases of ill-treatment."

It is only after the perusal of the detailed statement that I am posting to-day that an exact idea can be formed of the importance to be attached to the cases reported to me by the interested parties.

And I have just wired to your Lordship that the second inquest held by the Christian Sub-Governor of Candia in the case of the woman mentioned in my telegram of the 7th instant admits that she was murdered, but finds nothing to support the supposition that the murder was committed by Mussulmans.

I have the honour to transmit herewith a detailed statement of the cases that I have investigated since the 7th instant.

All the outrages on which circumstantial evidence was obtainable proved to be exaggerated, and were reduced by me to their real value in my statement. But as it was impossible for me to ascertain whether all those who stated to have been beaten were really beaten, and to what extent, I had no other option but to take down their statements as given to me. I have even recorded trifling cases so as to avoid all suspicion of partiality.

On the whole, there is no doubt that beating was freely distributed, but that exaggeration plays a great part.

Ill-treatment has taken place, when, about a month since, houses were searched for stolen property and a few rifles were confiscated.

Even a few Christians are of opinion that, as in the case of Mussulmans, who were the first to be thrashed, no stolen property would have been recovered without beating; and I have ascertained myself, in more than one case, that it was only after a few lashes that Christians made up their mind to give up stolen goods. Individually, soldiers have not given a single motive of complaint, they only acted under orders, and beating was not systematically resorted to by officers. It depended on circumstances and also, no doubt, on the temper of the officer leading the expedition.

In some villages Christians dug holes deep enough to hold oil-jars 5 and 6 feet high, and cut trenches in which they embedded the rafters of whole houses.

In many cases, in most I may say, officers were influenced by the natives serving as Dragomans, who are all Turks.

I have observed that the march of each officer could be easily detected by ill-treatment in the one case, by no complaints whatever in the other.

It is satisfactory for me to have to record that all cases of beating brought to the notice of Abdul Kerim Pasha were severely punished by him. His Excellency removed Yacoub Tshaoush, of the gendarmerie, from Aghia Varvara, and is going to send him

out of the island. I referred to this individual in my preceding Report as having ill-treated three boys.

There was no very severe case of beating during the recovery of stolen property, and the confiscation of arms, which after all do not amount to 300 rifles.

But some cruel cases appear to have taken place at and near Pediada Castelli on the occasion of the escape of a Conservative leader named Trifizi.

Christians of both factions in that locality attribute these acts to a certain Ramadan, a native Mussulman Dragoman, and perhaps also to the officer from whose hands escaped the Conservative leader, and who lost all restraint.

As soon as I mentioned these facts to the Governor, who had not yet heard of them, he ordered the Christian Sub-Governor to proceed to Castelli Pediada and make an inquest. That functionary left this day to carry out his instructions.

I am almost certain that the measure adopted by Abdul Kerim Pasha to obtain Returns from the Primates of all villages will put a stop to beating, which is quite contrary to the interest of the Porte.

I have, &c.
(Signed) ALFRED BILIOTTI.

Inclosure in No. 77.

Statement of Cases of Ill-treatment and Outrages investigated by Consul Biliotti in the Province of Candia.

NO. 2 in Archbishop's List.—The Government Palace at Mires, which is the residence of a Kaïmakam, was entirely demolished, and all its material carried off. A term was fixed for the restitution of stolen property in general, and after its expiration the authorities made searches for the recovery of non-returned articles.

Janni Tsakiraki stated to me that on the 22nd ultimo a square cut stone, belonging to the Government Palace, was discovered in one of his fields, where it had been placed without his knowing it by his sons. All the beasts of burden being already loaded, the native gendarme conducting the expedition ordered two soldiers to put the stone on his (Tsakiraki's) back, which they did, and he had to convey it about half-a-mile, where other beasts of burden were waiting for loads. He says that he was not beaten on the way, but that the stone must have weighed 50 okes (140 lbs.), and not 30 to 40 as stated in the Archbishop's list. He did not refer the case to Abdul Kerim Pasha. I visited the spot, which is at half-an-hour from the village of Bobia (Pompei), and walked in seven and a-half minutes over the distance that Tsakiraki had to carry his load, but I could not identify the stone, which was not on the spot.

Ilaralambo Fustanaki stated that having willingly handed his rifle and asked for a receipt, he was knocked down by a sergeant, who threatened to kill him, and marched him to the guard-room, beating him on the way.

Nicola Savaki was struck once with a stick by a gendarme.

Giorgi Sfakianos having been struck on the eye by a sergeant of gendarmerie, and the case having been referred to the Governor, the patient was attended by the military surgeon, and the sergeant sent to Candia with arms bound, as other prisoners, for trial.

Village of Mavra Siva.—A Lieutenant of the Imperial army having got drunk together with a certain Steliano Sassintaki, and having made an offer of 2 dollars to the wife of the latter for spending the night with her, was severely punished by Abdul Kerim Pasha, to whose knowledge was brought the case, which was considered by Christians a very serious one.

Village of Cousse.—On the occasion of the search made for stolen property, Ilaralambo Toulïanaki and Emmanuel Polidaki were given each ten blows with a twig, their heads being held by a soldier under his arm. This was done by order of the Commanding Officer.

Emmanuel Papadagamvri five blows, and Jannis Tampakakis two, but without being held by soldiers.

Village of Aghios Joannis.—While searching for stolen property the following individuals were beaten by soldiers with sticks:—

Nicolas Adamakis, 13 years old, one blow; Jannis Stavrantakis, 16 years old, one blow; Polichronis Ververakis, one blow; Nicolaos Jannakakis, five blows; Nicolaos Saridakis, two blows; Giorgis Papaniculakis, who was bound, nine blows; Ilaralambas Valakakis was struck about ten times by soldiers with the butt-ends of their rifles.

Village of Petrokefali.—Erini, wife of Giorgi Saridaki, happening to be alone in her house, on being pressed by soldiers to give up stolen property and arms, got so frightened that she is still suffering from the consequences of her fright.

On Giorgi Vadianiki being apprehended in his house for stolen property, his wife, who was in her eighth month of pregnancy, had a miscarriage.

The same happened to the wife of Giorgi Patraki, who was in her fourth month of pregnancy, on her husband, who refused to give up stolen property, being struck three times with a stick.

Anna Fanouraki is suffering from the consequences of fright on her husband being imprisoned for a like motive.

Kiriaco Calochristianos was struck once with a stick, and Theodoros Frankissidakis was pushed against his wife, while Charidimas Isinkakis was pulled by the beard.

I enter into the foregoing details, because the miscarriage of four women owing to the barbarous treatment inflicted by soldiers in this village was an object of great comment, not only in the neighbouring villages, but also in the town of Candia. However, I spent the night at Petrokefali, and can vouch that there are no other motives of complaint but the foregoing, having spoken with most of the peasants.

Village of Peri.—On the 26th August last Janni Agapidaki murdered Antoni Toïdaki, and, in revenge, Emmanuel Agapidaki murdered Toïdaki's brother-in-law.

Village of Flakiakes.—Nicolas Calpakis, Dimetrios Papadakis, and Stelianos Campakis received each five lashes for not giving up stolen property.

Village of Vassilika Annoya (No. 24 in Archbishop's List).—The necklace, which represented a value of 7*l.* 10*s.*, was not snatched away from the neck of Adrianos Smaragdaki's wife. It disappeared after the visit made by soldiers in his house for stolen property, on which occasion the box containing the necklace was opened and minutely inspected by them. On Adrianos complaining, the Commanding Officer arrested the soldiers, searched their persons and effects, and although the stolen article was not discovered, he kept them in prison for ten days. At the end of that time the Commanding Officer told Adrianos that, if he was unable to produce proofs, the only thing that remained for him to do was to compel the soldiers to take an oath, which they did.

I told Adrianos that I supposed he was satisfied with the conduct of the Commanding Officer, to which he replied, "Certainly not, for no thief will give up stolen property unless he is lashed." A very characteristic answer.

Fanourias Tonsidakis complained to Abdul Kerim Pasha that he had been beaten by an officer of the Imperial army. The Governor put the officer in prison.

Village of Illoudetzi.—Janni Perides, who was keeping an account of stolen property recovered, was slapped three times in the face by the Sub-Lieutenant of Artillery, Riza Bey, for not taking his cap off in his presence.

Village of Aghios Vassilios.—Georgis Slazidaki and Dimitri Slazidaki were each given six blows on the back for not returning stolen property.

Village of Kounavans.—Janni Tankalakakis was slapped in the face by a sergeant of the Imperial army, and boxed by another sergeant of gendarmerie, fracturing the fourth finger of his left hand.

Village of Archanes.—Dimitrios Coudzedokis, on the accusation of a Christian of the opposite political party, was given seven blows with a stick by a sergeant of gendarmerie. Manolis Psihayas was struck three times with a stick by Ali Tsaouch, of the Imperial army.

Village of Aghies.—Paraskies Dimitris Stamatakis, twenty-one blows with a stick for being connected with the assault on Petmezi (No. 13 in Archbishop's list). Dimitrios Tidianakis, who burnt a Mussulman house, was struck by a soldier with the butt-end of his rifle.

Village of Apostolans.—Jannis Marangos, for having destroyed a Mussulman olive oil mill and presses, was struck once with a stick, eight times with a rope, and four times with the butt-end of a rifle.

Village of Pigaidouria.—Casti Nistikakis was given for four consecutive days twelve blows each day with a twig, as being accused of fomenting insurrection; Anegnasti Bitzakakis three blows with a stick for stolen property.

The Bishop of Pediada stated to me that the whole inhabitants of this village had been turned out of their houses and their doors sealed up until a fine of half-a-dollar was paid by each family.

The inhabitants of this village stated to me that they had been told to be in their houses on a certain day, when a search was to be made for stolen property; that the houses of thirteen of them who happened to be absent from the village were sealed up

until they had paid the penalty of half-a-dollar which had been fixed for disobedience to the order.

Village of Pediada Castelli.—Nicclas Garefallaki, thirty blows on the back with a twig during two consecutive days, at the rate of fifteen blows per day, in order to compel him to show the places where stolen property was concealed. Stelianos Kutrupas, forty-five blows, at the rate of fifteen per day for three consecutive days, for not giving up stolen property.

Giorgis Cardanlakis, 15 years old, six blows with a twig on the back for not returning the whole of the stolen property. His mother came to me crying and saying that her son was dying in consequence of cruel beating. I walked to the house, saw the boy lying down, but on inspection I could detect no contusions. He was beaten ten days previously, and by his own account was in bed only seven days since. The boy was ill with strong fever; his tongue was quite white, with a black stripe in the middle. I advised the mother to call a doctor, instead of believing that her son was suffering from the effects of six lashes received ten days before.

Jannis Garafallakis, twenty-four blows with a twig on the back, at the rate of eight blows for three consecutive days, for having cut down trees belonging to the mosque of the village.

The following cases are connected with the escape of a Conservative chief, Trifizi, who had been apprehended by a Lieutenant of the army, under the accusation of exciting to revolt on the 2nd instant :—

Village of Castelli (Pediada).—Mathio Patouvaki was struck five times with the butt-end of a rifle, on the suspicion of his having brought a letter from Trifizi.

A native Mussulman called Ramadan, who is employed as Dragoman, and to whom is attributed all the persecution in the case of Trifizi, searched Mathio's house for the letter, together with a native gendarme, but discovered nothing.

Maria Patouvaki, the mother of Mathio, was then searched on her person, the upper part of her dress being pulled aside with violence, to ascertain whether the letter was concealed between it and the skirt. This case had been mentioned to me by the Bishop of Pediada, whom I had met on my way to Castelli, as one in which the woman had been stripped of all her clothes and left entirely naked.

Catherina Anastassopoula, a neighbour of Trifizi, was slapped in the face, and rudely pushed against the wall, for not hastening to open a chest in which the fugitive was suspected of being concealed.

Papa Sifi, who is a partizan of Trifizi, having been accused, as was that leader, by other Christians of the opposite faction, to excite people to revolt, was apprehended, his arms bound, and marched to Candia, five hours' distance, where on arrival he was handed to the Archbishop.

It was rumoured that the soldiers who escorted him to the town had fastened pieces of wood under his chin, and that he was beaten on the way, but no eye-witness confirms the statement.

Giorgi Anastassaki received fifteen lashes to compel him to give information on Trifizi.

Papadia Caroutyopoula and her son Giorgi were on their way to another village, carrying consecrated bread, when soldiers whom they met struck the lad ten blows with a stick, and throwing down the bread, in order to obtain from him information with regard to Trifizi.

Village of Bitzariano.—Calioppi Stavroulogeorgena was apprehended at 11 P.M., and was marched to Castelli to be examined as to whether she had seen Trifizi.

Castandi Petharaki, ten lashes by the Lieutenant of the Imperial troops stationed at Castelli, in order to compel him to state the hiding-place of Trifizi.

Village of Ilaronzano.—Fotios Dakianakis, fifty blows at one time, with a twig, on the back. He was besides struck with an iron bar, in order to give information of his uncle Trifizi. Having managed to escape from their hands, he was shot at by seven soldiers, but missed.

Nicolaos Drakakis, 80 years old, a relative of Trifizi, six lashes, his arms bound, and marched to Castelli, an hour distant, was pushed on the way as he was too tired to walk.

Papo Sinesio, four lashes over his great coat, had his arms bound, and conveyed to Castelli.

This case was reported to me as being one in which a priest was apprehended while conducting a funeral. A woman had, in fact, died that day in the parish of Papa Sinesio, and when he was arrested early in the morning he stated that there was no other priest in the village to bury her, but no heed was taken of his observation.

However, he was immediately released on his arrival at Castelli, together with his father and brothers Dimitri, Giorgi, Costandinas, and Jannis, who had been apprehended with him, and had respectively received 6, 8, 20, and 20 lashes.

Janni Hadji Mathias, 8 years old, two lashes, in order to compel him to give information with regard to Trifizi.

Georgi Hadji Mathias, 10 years old, four lashes for not confirming the statement of his younger brother, who had stated to have seen Trifizi running away with a gun in his hand.

I forgot to mention, in the case of Nicola Drakaki, 80 years old, that it was mentioned to me that a rope had been placed like a bit in his mouth for half-an-hour, a statement denied by the old man.

As an instance of the difficulty of finding out the truth, I shall cite the following fact:—

In the village of Canavous eight Christian tombs were opened by Mussulmans in and round the church, an old Venetian building. According to all appearances the contents of these tombs had not been removed, but wishing to ascertain the truth, I asked one of the Elders of the village, who said that every bone and skull had been thrown out. Another Elder of the same village, to whom I put the same question some time after, said they had not been touched.

His Grace the Archbishop of Crete has given me the following details:—

Burnt churches	..	..	..	..	..	..	14
Churches in which tombs were opened and altars destroyed	..	..	..	..	..	..	6
Churches whose altars were desecrated	..	..	..	..	..	..	28
Churches in which the woodwork concealing the altar and the pictures of saints hanging on the same were destroyed	..	..	..	..	..	..	8
Church entirely demolished	..	..	..	..	..	..	1
Total	..	..	..	..	..	..	57

I may add that there is not a single mosque standing in the villages except in the district of Monofatsi, the only one where several Turkish villages were not burnt or destroyed.

Although the number of mosques destroyed is far superior to that of churches, the value of the latter, which are costly, appears to me to exceed that of the first, which, generally, are very common buildings.

(Signed) ALFRED BILIOTTI.

Candia, Crete, October 1889.

No. 78.

Consul Biliotti to the Marquis of Salisbury.—(Received October 27, 12.15 P.M.)

(Telegraphic.)

Canea, Crete, October 27, 1889, 11.20 A.M.

ABOUT 250 Christians embarked on board a Greek steamer on the 20th instant at a place called Aghia Roumeli, on the coast of Crete. This number comprises nearly all the outlaws and manifestants, besides a number of malcontents. Two more Greek steamers are said to be expected on the southern coast and near Rethymo and Candia for a similar object.

Although strict orders have been issued to prevent departures from the island, five Deputies succeeded in escaping from Canea on board a Greek steam-packet on the 19th instant. It is said that others will follow them at the first opportunity.

No. 79.

Consul Biliotti to the Marquis of Salisbury.—(Received October 29.)

My Lord,

Candia, Crete, October 14, 1889.

ON the 12th instant I had the honour to send to your Lordship the following telegram:—

“Abdul Kerim Pasha has named a Commission consisting entirely of Christians to deal with the claims of Mussulmans on Christians in the southern districts.

“In the case of a Mussulman who had behaved spitefully towards Christians, his

Excellency told the offender that it must not be supposed that because the island was garrisoned by Turkish troops the Mussulmans could indulge in arrogant conduct towards their neighbours. His Excellency is highly esteemed by all the Christians, but, nevertheless, he is surrounded with difficulties. There is neither lodging nor food for the Mussulmans who are now returning to their villages. The Christians in the country districts consider the property of which they have taken possession as having become theirs by right. The Christians in the villages round the towns are trying to get back the property which the Mussulmans have stolen, and those in the towns are clamouring for their houses, which in many cases are still occupied by Mussulmans."

The Province of Candia consists of six districts, viz., Temenos, Malevisi, and Pediada to the north, Piriottissa, Kenourio, and Monofatzi to the south. I have travelled through the whole of these districts, but have especially visited in detail the southern ones, where Mussulmans have mostly suffered, and the district of Pediada, where Christians have sustained most of their losses. In the latter it has been officially ascertained that there are 739 Christian houses burnt or more or less destroyed; their losses in the two other districts are not reckoned to exceed 150 houses: total, about 900. Those of Mussulmans, which have not yet been ascertained, may be nearly four times as much in houses, besides a great number of olive and other trees.

In order to fully explain the situation I must give some details connected with the emigration in July last.

When an armed band of Christian Conservatives crossed over from the Province of Rethymo, Mussulmans, who had misgivings as to their future fate, only saved what they could carry with them in a very hurried flight. They told their Christian neighbours that in the event of their coming back they would expect them to return them half their wheat and other agricultural products which they abandoned to them in their villages.

The whole Mussulman population of these six districts, with the exception of about half the male population of Monofatzi, took refuge in the town of Candia, those nearer to it saving more of their property. They turned Christians out of their houses and took possession of them. These Christian families had to emigrate to Greece and elsewhere.

Country Christians, not only neighbours, but from distant villages, especially from the Province of Rethymo, plundered Turkish property, and burnt or destroyed Mussulman houses in such a way as to render them uninhabitable for ever.

About half the Mussulman villages in the district of Monofatzi were saved by the exertions of a Liberal leader named Anghelides (Haralambos), also a few isolated cases in other districts, such, for instance, as 20 houses out of 505 at Kenourio.

In order not to return with empty hands the last comers carried off broken doors, bits of wood, and stones over distances of several miles.

Some time after their arrival in the town of Candia armed bands of Mussulmans made "razias" on Christian villages situated within a radius of 5 or 6 miles. They burnt and destroyed Christian houses, but had no leisure to complete the work of destruction as Christians had done, besides, the latter had time to save some of their property.

These armed expeditions saved the town of Candia from plunder, and perhaps from a general massacre of its inhabitants.

However, as the means of subsistence of Mussulman refugees were getting exhausted, there were grounded apprehensions of further disturbances.

This was the situation when Abdul Kerim Pasha entered on his functions of Civil Governor and Military Commander of the Province of Candia.

The task devolving on his Excellency was (1) to reinstate Mussulmans in their ruined villages, and to provide them with food; (2) to satisfy the claims of Christians on Mussulmans for the plunder and destruction of their property; and (3) to hand back to their owners, who were returning from Greece and elsewhere, their houses in the town which were still occupied by Mussulman refugees.

In the first instance there were no houses for country Mussulmans to live in, and Christians were loath to return any of the stolen property, which they considered as lawfully belonging to them.

In the second instance it was impossible to obtain an indemnity from Mussulmans, who had not the means of paying it, to Christians.

And in the third instance it was only on the settlement of the first question that he could satisfy the claims of town Christians.

Abdul Kerim Pasha fixed a term within which Mussulmans and Christians were

to return to each other what remained of the mutually stolen property, that is, doors, windows, and house furniture, &c., and he appointed Mixed Commissions to watch over the restitution of the articles to their real owners.

At the end of that term a search was made in all villages for the recovery of missing objects. It is on this occasion that Christians complained of the ill-treatments on which I have reported in detail.

Of the forementioned articles, Christians, according to their own statement, have recovered about half, and, with a few exceptions, Mussulmans hardly anything.

Abdul Kerim Pasha spent three weeks in the district of Kenourio collecting a little of the grain stolen by Christians.

He then ordered the male population of the Mussulmans to repair to their villages. Those whose houses can be easily repaired are conveying their families, many of whom I met on their way to Monofatzi. The others have obeyed orders, but being unable to shelter themselves in any way, they are bitterly complaining.

However, Abdul Kerim Pasha has made an arrangement according to which Christians are to furnish a certain number of houses in each village in order to enable Mussulmans to leave the town with their harems.

He also appointed a Commission exclusively consisting of Christians who are to carry out this measure, and to fix the additional amount of grain which is to be handed over to Mussulmans.

These arrangements are likely to be carried out without much difficulty in the southern districts, which are exclusively inhabited by Christian Liberals. But not so in the northern districts, where the situation is complicated by party animosity among Christians, as well as among Mussulmans.

In the village of Axeli, Mussulmans begged me to submit to the Governor to change the Turkish member of the Commission, who did not look after the interests of his co-religionists in consequence of his being of a different faction.

While only thirteen Christians are in prison from Piriottissa and Kenourio, there are no less than about 150 from other districts, not a few of whom are prosecuted by their co-religionists of the opposite political party.

On the reinstatement of Mussulmans in the country the claim of town Christians will be settled by itself; but the insuperable difficulty is that of settling the claims of Christians in villages near the town according to their wishes. This question will give rise to endless complaints, many of which may be well-grounded.

But, in the exceptional circumstances in which this island is placed it is impossible that individual interests should be taken into as much consideration as those of the public at large.

According to the valuation of Christians, a Turkish house is reckoned to amount to 50*l.*, and a Christian house to twice that sum, owing especially to furniture, &c.

Christian losses on 900 houses would amount to 90,000*l.*, and Mussulman losses to 360,000*l.*, to which last should be added 40,000*l.* as value of trees burnt or cut down. Reduced to half, 45,000*l.* for Christians, and 200,000*l.* for Turks.

Christians generally do not admit their being the cause of emigration, which they attribute to the suggestion of the Beys. But it is more than doubtful that Mussulmans would have obeyed the suggestion, which appears to have been made in all the provinces of Crete, if Christians, by driving some Mussulmans out of their villages, had not spread the panic among them.

The rebuke of Abdul Kerim Pasha to one of his co-religionists has produced the best effect among Christians, whose great fear is that Mussulmans should avail themselves of the present circumstances to take the upper hand. It is a danger against which the authorities should carefully guard themselves.

I have, &c.

(Signed) ALFRED BILIOTTI.

No. 80.

Consul Biliotti to the Marquis of Salisbury.—(Received October 29.)

My Lord,

Canea, Crete, October 17, 1889.

CAPTAIN MERYON, of Her Majesty's ship "Polyphemus," having kindly undertaken to convey me eastward of Candia, I visited the port of St. Nicolas, Neapolis, the seat of the Christian Mutessarif of Lassithi, and the port of Sitia.

As I had the honour to wire to your Lordship from Sitia, besides the Governor,

I saw Christian deputations in all these places, and, on inquiry, I was informed that they had not the slightest complaint against soldiers. At Lassithi there is as great animosity as ever between Christian factions.

Only 46 Mussulman houses were burnt or destroyed in the district of Lassithi, and 93, in addition to 237 trees, in that of Viano, and none in the districts of Sitia and Hierapetra. All these districts are inhabited by 2,100 Mussulman families.

The political feeling of Christians in this province is limited, at present, to their political strifes in Lassithi, in which the other districts take no part.

The Mussulmans of the district of Viano, consisting of about 250 families which took refuge and are still in the town of Candia, considered that all their houses were destroyed and many thousands of trees.

As the Governor of Lassithi, who sends his reports to the Governor-General at Canea, had just completed the official inquiry concerning the number of houses and trees destroyed at Vianos, I obtained from him a statement of the real loss, which, on my way back here, I sent on shore to the Governor of Candia for his guidance.

At Lassithi I said all I could to calm down the feeling of animosity which exists between the majority and the Governor, who belongs to the minority, but I hardly expect to have convinced either party.

However, I hope that the advice which I gave in the Province of Candia may not be entirely lost, for it had not for exclusive object to pacify party feeling.

I tried to convince country Christians that their giving back to Mussulmans half their property, besides being an act of equity, would be the means of rescuing their co-religionists in Candia from the danger that shall continue to exist so long as thousands of Mussulmans are congregated in the town.

I have, &c.
(Signed) ALFRED BILIOTTI.

No. 81.

Consul Biliotti to the Marquis of Salisbury.—(Received October 29.)

My Lord, Canea, Crete, October 18, 1889.

I CALLED the special attention of Abdul Kerim Pasha, when I was in Candia, and that of Shakir Pasha on my arrival here, to the numerous complaints of Christians against the new gendarmerie. In Candia they especially concern the town, in Canea exclusively the country.

I pointed out to these two functionaries that if Christians, who accepted with hopeful prospects the introduction of the corps of Albanians on the island, were deceived in their expectations, one of the most serious causes of trouble in Crete would continue to exist and to complicate the situation.

Abdul Kerim Pasha has already reported on the subject to Shakir Pasha, who intends shortly to proceed to Candia with the Colonel of Gendarmerie, and to remove the men giving cause of complaint.

I have, &c.
(Signed) ALFRED BILIOTTI.

No. 82.

Consul Biliotti to the Marquis of Salisbury.—(Received October 29.)

My Lord, Canea, Crete, October 20, 1889.

I HAVE this day had the honour to forward to your Lordship the following telegram :—

“Since my return here I have had interviews with several of the Liberal leaders, who have succeeded in their endeavours to prevent an outbreak. The following is the substance of their complaints :

“It is only the Christians who are condemned for political offences ; they are also arrested on groundless charges for ordinary offences, whereas the Mussulmans cannot be apprehended without the evidence of witnesses. The Government officials show partiality towards the Mussulmans, and the soldiers and gendarmes commit all sorts of brutalities upon the Christians.

“The rumours of outrages are greatly exaggerated, and are not borne out by the

statements of the aggrieved parties, as I had occasion to observe in the course of my recent trip in the Province of Candia. But the impression made upon the public mind is just as great as if the rumours were correct in every detail. Consequently an excitement is produced which creates violent animosity against the Mussulmans. This excitement will continue to increase, and will prevent the restoration of peace so long as the courts-martial are employed in trying and sentencing prisoners on a large scale.

"The Christians, being unable to resort to force without foreign assistance, are hoping to have their revenge as soon as the troops leave the island, and they believe that the evacuation is not very remote.

"It is rumoured that 4,000*l.* have been collected by a Committee at Athens for the purpose of sending ammunition, and on the first arrival of cartridges there will probably be an outbreak.

"The only possible means to avert this evil is to introduce reforms at once especially in the Courts of Justice, and a less complicated procedure should be adopted in order to reduce the expenditure."

It is only on my return from the trip which I am undertaking to-morrow in the western districts that I shall be in a position to state how far the detailed complaints of Christians are founded.

The prevailing opinion in these districts is of great importance, as it is the one that usually extends all over the island after a certain time, and from all accounts it is highly excited against the proceedings of the authorities, which are doubtless exaggerated.

Be this as it may, the evil consequences of rumours create great animosity between the two races. Christians have no other option at present but to submit.

But the more they will consider themselves wronged or humiliated, the more they will be ready to avail themselves of the first opportunity to avenge themselves.

Amnesty is the word in everybody's mouth at Canea, but amnesty would only affect a small number of individuals, while it is the population at large which are suffering, or are living in the apprehension of being made to suffer, even if innocent.

It is certain that, with the exception of town Christians, very few country Christians have not participated more or less in pillage and arson.

With few exceptions besides Beys, Mussulmans are similarly placed.

If one be punished, all should be punished, but this is out of the question.

Under these circumstances those who are condemned consider themselves to be wronged, and they, together with the others who are threatened with a like fate, get the more excited that they are under the impression that Mussulmans are not treated with the same severity.

The court-martial being the only Tribunal taking cognizance of cases of arson and theft that took place during the late disturbances, all the onus falls on the Turkish authorities, even when party animosity, without distinction of creed, is the motive, and it is but too often the case.

To remit punishment, but not to deprive from the right of claiming the restitution of stolen property, or an indemnity, would leave little cause of complaint to Christians who would sue, or be sued, before Civil Tribunals, which do not exist.

Under these circumstances the most efficient means of calming down the prevailing excitement would be to make with as little delay as possible the so much needed reforms in the Court of Justice in Crete.

But a point to which special attention should be paid in the reform in question is to simplify the procedure so as to save time and heavy judicial expenses.

The latter point is of great importance, and, besides advocates, would satisfy Christians as well as Mussulmans.

I am fully convinced the measure of which I have just spoken will greatly contribute to restore in this island tranquillity, which it is in the interest of the Imperial Government to re-establish for another consideration.

I have, &c.

(Signed) ALFRED BILIOTTI.

No. 83.

Consul Biliotti to the Marquis of Salisbury.—(Received October 29, 11.15 A.M.)

(Telegraphic.)

, October 29, 1889, 8.20 A.M.

Selinos, October 27.—Complaints become more frequent and assume a more serious character as I proceed towards the centre of this district. They bear on partiality towards Mussulmans, on ill-treatment, and especially on the transport with their mules of Government stores, and on their shoulders, together with Mussulmans' heavy timber for repairing a block-house. Christians were so exasperated that they talked of nothing short but to flee to the mountains. I am under the impression that the Kaïmakam of Selinos, who is a Mussulman, acted without orders from the Vali, for the day after I spoke to him on the subject he altered his line of conduct in a way to satisfy Christians. The exasperation of the latter calmed down immediately after.

No. 84.

Consul Biliotti to the Marquis of Salisbury.—(Received October 30, 4 P.M.)

(Telegraphic.)

Canea, Crete, October 30, 1889, 12.50 P.M.

THERE is exaggeration in the only important cases which concerned two priests. One had his arms bound, and was thus conveyed to Canea, but has no complaint of ill-treatment. His cap, which was carried to him while he was still in the village prison, was stated by two witnesses to have been soiled by gendarmes on the way; however, no stains were to be detected in it. It was alleged that the other priest was smoked while in prison in the guard-room, but there is no proof that the fire was lighted for the purpose of smoking him. There is a general feeling of discontent created by many complaints, most of which may not be of a serious character, but which are considered as such by Christians.

No. 85.

The Marquis of Salisbury to Sir A. Paget.

Sir,

Foreign Office, October 30, 1889.

THE Austrian Chargé d'Affaires, in the course of conversation with me to-day, spoke of the situation in Crete, and informed me that, according to the reports received from the Austrian Consul in that island, the alleged atrocities had no foundation whatever.

I am, &c.

(Signed) SALISBURY.

No. 86.

Sir E. Monson to the Marquis of Salisbury.—(Received October 31.)

(Extract.)

Athens, October 25, 1889.

I HAVE the honour to inclose copies of a Memorandum, and its inclosure, on the Cretan question, and the alleged outrages of Mussulmans upon Christians, which was left at this Legation last night.

This Memorandum is the outcome of the Resolution passed by the meeting of the Cretans, reported in my despatch of the 30th ultimo; and identical copies have been sent to all the foreign Representatives in Athens.

Inclosure 1 in No. 86.

MM. Giannarès, Nikoloudis, and others, to Sir E. Monson.

M. le Ministre,

Athènes, le 20 Octobre, 1889.

LA situation géographique de notre pays, la beauté de son climat, la variété et la beauté de ses produits, le caractère de ses habitants semblaient l'avoir destiné à servir,

après le développement de ses ressources et de ses relations commerciales, de pont pour la propagation de la civilisation Européenne en Asie et sur les côtes septentrionales de l'Afrique. Cette belle mission, la Crète l'aurait remplie si les Grandes Puissances de l'Europe avaient tendu, en traçant les frontières du Royaume Hellénique qu'elles venaient de fonder, une main bienfaisante aux Crétois, qui avaient combattu pour la même cause et vu, comme les habitants de la Grèce, leurs champs dévastés et leurs frères décimés par la guerre. Par malheur, cela n'eut pas lieu et notre condamnation si cruelle qu'elle fût, provenant des Puissances dont nous devions respecter les décisions, nous ramena sous le joug des Turcs qui avaient vainement entrepris de nous enlever par les armes nos droits civils et politiques.

En ramenant sous le joug un peuple qui avait prodigué son sang, mais toujours libre, les Puissances n'exigèrent de ses maîtres que de faibles garanties (Protocole du 3 Février, 1830) sans jamais s'enquérir de savoir si la Porte avait tenu ses engagements. Peut-être croyaient-elles que la prudence et l'intérêt auraient engagé les Turcs à rompre avec les vieilles habitudes Asiatiques qui avaient provoqué la grande révolution Grecque. Mais l'Administration Ottomane ayant donné une autre interprétation à l'acte des Grandes Puissances et s'étant imaginé que les peuples qui parviendraient à se soustraire à sa domination, y seraient ramenés par une force supérieure, non seulement ne songea pas à justifier les espérances du monde civilisé mais devenue plus audacieuse encore, elle aggrava plutôt qu'elle ne guérit les plaies de la guerre de sept ans. Mais était-il possible qu'un peuple ayant vécu dans la liberté consentît à subir une oppression qui eut été une honte pour son passé? C'est ce qui explique les révolutions qui éclatent tous les dix ans et contre lesquelles nos oppresseurs envoient chaque fois un ramassis de fanatiques recrutés parmi la population Musulmane de l'Orient; c'est ce qui explique aussi les calomnies qu'ils inventent à l'effet de provoquer la jalousie des Grandes Puissances ou pour amoindrir la portée et la sainteté de nos cultes. Si nous sommes opprimés au point de nous révolter, de préférer la mort à la honte et aux supplices, nos bourreaux propagent habilement le bruit que nous nous sommes soulevés à l'instigation de telle ou telle Puissance ou de la Grèce. Un peuple peut être trompé une fois; mais ces révolutions de Crète n'ont-elles pas leur source dans la méconnaissance de nos droits plutôt que dans les prétendus motifs inventés par nos oppresseurs.

Cependant nos lettres perpétuelles et les conseils des Grandes Puissances arrachèrent en 1868 au Gouvernement Turc une espèce de Charte, que l'on désigna sous le nom de "Règlement Organique." Cette Charte, qui devait établir un ordre de choses régulier et durable, n'était, comme on l'a vu depuis, qu'une machine destinée à entretenir la confusion dans le pays. La Porte fut enfin obligée, par l'Article XXIII du Traité de Berlin, d'y apporter les modifications que les circonstances et la force des choses lui imposaient. Mais dans cette œuvre Constitutionnelle, connue sous le nom d'Acte Additionnel de Halépa, on ne prit pas en considération les vœux du pays; on lui imposa, moitié par ruse et moitié par violence, une autonomie d'un genre nouveau dans l'espoir de perpétuer l'ancien ordre de choses sous une autre forme. On commença par priver les pays des moyens d'une supportable existence en lui enlevant ses principales ressources au profit du Trésor Impérial afin de le faire périr d'inanition. Puis on rendit, par une dolosive disposition, les Musulmans, qui ne forment que les sept trentièmes de la population, maîtres de l'Assemblée Générale; enfin, le Gouvernement Central lui-même conserva le droit de veto dont il fait usage, non dans l'intérêt du pays, mais pour mettre obstacle à tout progrès, pour montrer aux autres provinces asservies que l'autonomie est une source de malheurs.

Les prévisions des Turcs se réalisèrent. Le Règlement Organique et l'Acte Additionnel de Halépa, d'application difficile, visaient surtout à diviser les populations Chrétiennes, et à provoquer des discussions intestines en semant la discorde parmi elles.

Dans ces conditions, la Charte ne peut donner les résultats attendus pour la prospérité d'un peuple. Les Crétois ne pouvaient faire exception à cette règle. Ainsi la Constitution ne pouvait fonctionner et l'Assemblée Crétoise était forcée d'interrompre ses travaux, en protestant devant les Puissances Européennes et en faisant de respectueuses remontrances au Gouvernement Central. On épuisait, en un mot, tous les moyens pacifiques pour conjurer le danger. Mais, par malheur, le Gouvernement Turc opposait une résistance inconcevable ou soutenait des choses que l'expérience avait condamnées. Nous avons supporté une situation si déplorable pendant dix ans, sans faire de protestation armée, même lorsque tous les autres Grecs étaient en armes, pour ne pas causer des embarras à l'Europe qui désirait la paix. Mais cette situation politique irrégulière entravait les communications sociales

troublait la sûreté publique, rendait la justice impuissante, arrêta le développement de l'agriculture, était une cause de ruine pour toutes les classes de la population.

Nous savions que le moment aurait été mal choisi de saisir l'Europe de nos plaintes en les appuyant de démonstrations armées. Mais la triste situation que nous créait le Règlement Organique n'admettait plus de retard. Nous nous sommes donc réunis en armes pour demander qu'on nous accordât des conditions supportables d'existence, désirant autrement notre union à la Grèce libre qui est l'éternelle aspiration, souvent exprimée en temps de paix comme en temps de guerre, de tous les Crétois. Les démonstrations armées montrèrent à la Sublime Porte la gravité de la situation. Elle voulut donc délibérer avec nous sur nos demandes et envoya à cet effet Mahmoud Djelaledin Pacha, qui entra en rapports avec la Commission nommée par les manifestants, en donnant l'assurance que les demandes seraient adoptées. Mais des motifs que nous ignorons provoquèrent son rappel et son remplacement par des fonctionnaires militaires. Puis, sur l'invitation de l'Administration Locale, les Musulmans des provinces gagnèrent les villes et furent armés dans le but évident de compliquer la situation. Dans cet intervalle le Gouvernement Hellénique, cédant sans doute aux conseils des Grandes Puissances, nous engageait à nous abstenir de toute démonstration armée, pendant que le Consul-Général de Grèce à la Canée nous engageait, de son côté, de faire bon accueil à la soi-disant armée régulière des Turcs, afin de ménager l'amour-propre du Sultan, qui semblait vouloir faire droit à nos réclamations. Nous avons fait, il est vrai, une cruelle expérience de la bonne foi de l'administration des Turcs, mais les exhortations du Gouvernement Hellénique, les prières de ses Consuls, notre vif désir d'empêcher des scènes de carnage en Crète au moment où l'on allait célébrer à Athènes le mariage du Prince Royal de Grèce avec la sœur du puissant Empereur d'Allemagne, la présence en Crète de Chakir Pacha, que nous croyions élevé en Europe et par conséquent incapable de manquer à ses engagements ; tout cela, disons-nous, nous persuada d'écouter les conseils de faciliter l'entrée des troupes Turques dans nos provinces. Ces exhortations et ces conseils, qui nous venaient d'une source peu suspecte, nous ont fait fermer les yeux sur l'émigration des Musulmans des campagnes, qui, obéissant à un mot d'ordre, gagnaient en foule les villes et les villages fortifiés, sur les atrocités intentionnellement provoquées par les Musulmans indigènes et par les Benghazis, sur l'incendie et le pillage de nos villages florissants, sur les crimes, les meurtres, les profanations, les sacrilèges, les violations de sépultures, et autres excès des Musulmans. Au contraire, ne demandant que des choses raisonnables et justes, des réformes politiques sincères, plus que jamais modérées, nous étions convaincus que l'on envoyait à cet effet un homme civilisé et une armée régulière pour maintenir l'ordre et pour réprimer une véritable insurrection des Musulmans de l'île contre les Chrétiens.

Mais contre toute attente, nous sommes tombés dans un piège honteux. Il semble, en effet, que Chakir Pacha, confondant l'hypocrisie avec la noblesse de caractère et la civilisation Européenne, a conservé inaltérable, comme ses actes l'ont prouvé, la ruse et la férocité du véritable Musulman. Car les troupes Turques ayant occupé, sans rencontrer de résistance de la part des Crétois, les points fortifiés de l'île, il s'est empressé de renvoyer nos représentants avec lesquels il s'était engagé à délibérer sur les demandes que l'on sait. Depuis il s'est livré à toute sorte d'atrocités qui portent tantôt la forme extérieure d'actes administratifs, et tantôt sont commises à la façon de brigands, par les troupes Impériales. Jamais notre pays n'a été le théâtre d'un vandalisme plus odieux, d'actes plus criminels de la part de hordes Asiatiques, pas même avant l'arrivée de la soi-disant armée régulière lorsque la populace Musulmane brûlait nos beaux villages. L'interruption des communications entre les villes et les campagnes, l'état d'anarchie qui règne dans l'intérieur ne permettent pas de dresser un État détaillé des atrocités auxquelles nous venons de faire allusion. Mais nous allons relater celles qui sont parvenues à notre connaissance afin de donner une idée du caractère des pacificateurs de Candie. Pourrait-on s'attendre à quelque chose de mieux de la part de ces ramassis de vagabonds, qui fourmillent dans les grandes villes de l'Orient, à l'endroit desquels les Européens n'ont que de vagues notions, et qui forment ce que l'on appelle la réserve de l'armée Ottomane ? Ces Musulmans n'auraient pu certainement pas lutter contre les honnêtes Crétois, et les troupes Turques auraient été, comme en 1867, insuffisantes à subjuguier Candie. Ce n'est donc pas l'armée Turque qui a soumis notre pays à la barbarie précitée, mais l'intervention des Consuls, les constantes exhortations du Gouvernement Hellénique et la confiance de la Porte dans l'appui moral des Grandes Puissances,

Si nous n'étions tombés, M. le Ministre, dans le piège dont nous venons de parler, il ne nous resterait qu'à déplorer notre sort à la pensée que nous vivons dans un temps où la civilisation Européenne tolère, au milieu de l'Europe, les excès des hordes sauvages de l'Orient. Mais la situation actuelle étant le fait des circonstances indiquées plus haut, nous faisons appel à l'humanité des Grandes Puissances qui, certes, n'attendent pas de nous qu'on leur apprenne que la Turquie fait usage du concours de l'Europe pour se livrer à des actes qui déshonorent la civilisation. Aussi supplions nous les Grandes Puissances de daigner, dans leur haute et équitable prévoyance, couper les faibles liens qui nous rattachent à un État en décomposition, incapable, par conséquent, de gouverner selon les exigences du progrès et de la civilisation moderne, un peuple dont on connaît les tendances et les unitaires aspirations avec la Grèce.

Les Chrétiens de Candie sont mis, M. le Ministre, par l'état de siège et l'occupations militaire accompli par la ruse, dans l'impossibilité de lever la voix contre leurs oppresseurs pour dénoncer leurs crimes à l'Europe civilisée et pour lui exposer la déplorable situation de leur pays. Cela étant, il appartient aux Crétois réfugiés en Grèce de prendre leur défense et de faire parvenir leurs plaintes aux Puissances Chrétiennes. Nous vous prions donc, M. le Ministre, de vouloir transmettre à votre Gouvernement le présent Mémoire que les Soussignés ont été chargés de remettre à votre Excellence.

Les Délégués des Crétois réfugiés et établis en Grèce,
(Signé) HADGÉ MICHAEL GIANNARÈS.
N. NIKOLOUDIS.
EMMANOUEL BARDIDIS.
A. RAKOURIS.
S. MAVROGENIS.
A. T. SEPHAKIS.

(Translation.)

M. le Ministre,

Athens, October 20, 1889.

THE geographical situation of our country, the beauty of its climate, the variety and beauty of its produce, the character of its inhabitants, seem to have destined it to serve, after the development of its resources and of its commercial relations, as a bridge for the propagation of European civilization in Asia and on the northern coast of Africa. Crete would have fulfilled this splendid mission if the Great Powers of Europe, in tracing the frontiers of the Hellenic Kingdom which they had just founded, had held out a helping hand to the Cretans, who had fought for the same cause, and, like the inhabitants of Greece, had seen their fields devastated and their brothers decimated by war. Unfortunately, this was not done, and our condemnation, cruel as it was, emanating from the Powers whose decisions we were bound to respect, replaced us under the yoke of the Turks, who had vainly endeavoured to take from us by force of arms our civil and political rights.

In replacing under the yoke a people that had lavished its blood, but ever maintained its freedom, the Powers only required from its masters feeble guarantees (Protocol of the 3rd February, 1830), without ever ascertaining whether the Porte had kept its engagements. Perhaps they thought that prudence and interest would have caused the Turks to break with the old Asiatic habits which had led to the great Greek revolution. But the Ottoman Administration had interpreted otherwise the action of the Great Powers, and imagining that the populations who had succeeded in escaping from its rule could be brought back to it by superior force, it not only did not dream of justifying the hopes of the civilized world, but, rendered yet bolder, aggravated rather than healed the wounds caused by the seven years war. But was it possible that a people who had lived in freedom should consent to submit to oppression which would have been a disgrace to its past? It is this which explains the revolutions which break out every ten years, and against which our oppressors each time dispatch a mass of fanatics recruited among the Mussulman population of the East; it is this which also explains the calumnies they invent with the object of provoking the jealousy of the Great Powers, or to attenuate the bearing and the sacred character of our religion. If we are oppressed to the point of causing us to revolt, and to prefer death to disgrace and torture, our executioners artfully spread the report that we have risen at the instigation of such or such a Power or at that of Greece. A people may be deceived once; but do not these revolutions in Crete spring from the failure to recognize our rights rather than from the motives alleged and invented by our oppressors?

Nevertheless, our continual letters and the counsels of the Great Powers

extracted in 1868 from the Turkish Government a kind of Charter, which was known by the name of the "*Règlement Organique*." This Charter, which purported to establish a regular and stable order of things, was merely, as has since been seen, a device destined to perpetuate confusion in the country. Finally, the Porte was compelled, by Article XXIII of the Treaty of Berlin, to introduce into it the modifications which circumstances and the state of things called for. But in this constitutional work, known under the name of the Additional Act of Halépa, the wishes of the country were not taken into consideration; partly by ruse, and partly by violence, a new kind of autonomy was imposed upon it in the hope of perpetuating the old order of things under another form. Thus they began by depriving the country of the means of a bearable existence by diverting its chief resources to the benefit of the Imperial Treasury, with a view to its perishing of inanition. Subsequently, by a crafty arrangement, the Mussulmans, who constitute only seven-thirtieths of the population, were rendered masters of the General Assembly; finally, the Central Government retained for itself the right of veto, of which it makes use, not in the interests of the country, but in order to obstruct all progress, with a view to proving to the other subjected provinces that autonomy is a source of misfortune.

The provisions of the Turks were realized. The "*Règlement Organique*" and the Additional Act of Halépa, of difficult application, were aimed especially at setting the Christian populations at variance, and at exciting internal dissensions by sowing discord among them.

Under these circumstances the Charter cannot give the results requisite for the prosperity of a people. The Cretans could not form an exception to this rule. Thus the Constitution did not work, and the Cretan Assembly was forced to interrupt its labours while protesting to the European Powers and addressing respectful remonstrances to the Central Government. In one word, all pacific means were exhausted in order to avert the danger. But unfortunately the Turkish Government offered inconceivable opposition, or insisted on the maintenance of things which experience had condemned. We have, during ten years, put up with this deplorable state of things, without making any armed protest, even when all other Greeks were in arms, in order not to cause embarrassment to Europe, which desired peace. But this irregular political situation impeded social communication, disturbed public security, rendered justice powerless, arrested the development of agriculture, and was a cause of ruin to all classes of the population.

We knew that it was not an opportune moment to bring our complaints to the notice of Europe, and to support them by armed demonstrations. But the unhappy position in which we were placed by the Organic Law admitted of no delay. We therefore assembled in arms to ask that the state of things under which we were compelled to exist might be rendered bearable; failing which, we wished for union with free Greece, in accordance with the perpetual aspirations of all Cretans, which have been often expressed in time of peace as well as in time of war. The armed demonstrations convinced the Sublime Porte of the gravity of the situation. The Porte then wished to deliberate with us on the subject of our demands, and for this purpose dispatched Mahmoud Djellaledin Pasha, who put himself in communication with the Commission named by the manifestants, giving assurances that their demands would be complied with. But, for reasons unknown to us, he was recalled, and was replaced by military officers. Then, by the advice of the local authorities, the Mussulmans from the provinces resorted to the towns, and were given arms, with the evident object of complicating the state of affairs. During this interval, the Hellenic Government, yielding no doubt to the counsels of the Great Powers, advised us to abstain from any armed demonstration, whilst the Greek Consul-General at Canea likewise asked us to give a friendly reception to the so-called regulars of the Turkish army, in order not to wound the feelings of the Sultan, who seemed to be willing to entertain our demands. We had had, it is true, a cruel experience of the good faith of the Turkish Administration, but the exhortations of the Hellenic Government, the appeals of its Consuls, our own earnest wish to prevent scenes of bloodshed in Crete at the time of the marriage of the Prince Royal of Greece with the sister of the powerful Emperor of Germany, the presence of Shakir Pasha in Crete, who, as we thought, had been brought up in Europe, and was consequently incapable of not fulfilling his promises—all this, we say, induced us to listen to the advice given to us and to facilitate the entry of the Turkish troops into our provinces. These exhortations and counsels, which reached us from a source which we had no reason to mistrust, caused us to shut our eyes to the emigration of the Mussulmans from the country districts, who, in obedience to a general order, were flocking into the towns

and the fortified villages, to the atrocities intentionally provoked by the native Mussulmans and the Benghazis, to the burning and pillaging of our flourishing villages, to the crimes, murders, profanation, sacrilege, violation of tombs, and other excesses committed by the Mussulmans. On the contrary, as we only asked for things which were just and reasonable, for sincere political reforms, more moderate than ever, we felt sure that a civilized person would be sent to effect these changes, accompanied by a regular army to maintain order and to repress an actual insurrection on the part of the Mussulmans in the island against the Christians.

But, contrary to all expectation, we fell into a disgraceful trap. It appears, in fact, that Shakir Pasha, confounding hypocrisy with nobility of character and European civilization, has still retained, as his actions have proved, the cunning and the ferocity of the typical Mussulman. For, when the Turkish troops had occupied the fortified places in the island without meeting with any resistance on the part of the Cretans, he at once dismissed our representatives, who he had promised to consult upon the demands already formulated. Since then he has permitted all kinds of atrocities, which sometimes take the outward form of administrative acts, and sometimes are perpetrated after the fashion of brigands by the Imperial troops. Never was our country the scene of more odious vandalism, or of more criminal acts on the part of Asiatic hordes, not even before the arrival of the so-called regular army, when the Mussulman populace were burning our beautiful villages. The interruption of communications between the towns and the country, and the state of anarchy which reigns in the interior, preclude us from drawing up a detailed statement of the atrocities to which we have just alluded. But we will enumerate those which have come to our knowledge, so as to give an idea of the character of the pacificators of Crete. Could anything better be expected from this collection of vagabonds who swarm in the great towns of the East, of which Europeans have but vague notions, and who form what is called the reserve of the Ottoman army? These Mussulmans could certainly not have held their own against the honest Cretans, and the Turkish troops would have been insufficient, as they were in 1867, to subjugate Crete. Therefore, it is not the Turkish army which has subjected our country to the above-mentioned barbarities, but the intervention of the Consuls, the constant exhortation of the Greek Government, and the confidence of the Porte in the moral support of the Great Powers.

Were it only that we had fallen, M. le Ministre, into the trap of which we have spoken, we could but deplore our fate and regret that we live in a time when European civilization tolerates, in the midst of Europe, the excesses of the savage hordes of the East. But the present situation being the outcome of the circumstances mentioned above, we make appeal to the humanity of the Great Powers, who surely do not require us to inform them that Turkey takes advantage of the support of Europe to commit acts which are a disgrace to civilization. We therefore beg the Great Powers to deign with their high and equitable foresight to sever the weak bonds which attach us to a State which is in process of decomposition, and which is consequently incapable of governing, in accordance with the exigencies of modern civilization, a people whose tendencies and aspirations for union with Greece are well known.

Owing to martial law and a military occupation which has been accomplished by trickery, it is impossible for the Christians of Crete to raise their voices against their oppressors, to denounce their crimes to civilized Europe, and to demonstrate the deplorable situation of their country. Such being the case, it is for the Cretans who have sought refuge in Greece to take up their defence and to bring their complaints to the ears of the Christian Powers. We therefore beg you, M. le Ministre, to be good enough to transmit to your Government the present Memorandum, which the undersigned have been charged to communicate to your Excellency.

The Delegates of the Cretan refugees now in Greece,

(Signed)

HADGE MICHAEL GIANNARÈS.
N. NIKOLOUDIS.
EMMANOUEL BARDIDIS.
A. RAKOURIS.
S. MAVROGENIS.
A. T. SEPHAKIS.

Inclosure 2 in No. 86.

État détaillé des Atrocités, Meurtres précédés de Tortures, Incendies, Pillage, Actes de Violence, Profanations Sacrilèges, Disparitions de Chrétiens, commis par les Turcs en Crète, en Juillet, Août, et Septembre, 1889.

DÉPARTEMENT DE LA CANÉE.

*Incendie et Pillage des Biens de Chrétiens.**District de Cydonie.*

LE 16 Juillet (v.s.) 1889, des Musulmans de Crète se rendirent au village de Mourniés, à une demi-heure de la Canée, pillèrent les maisons des Chrétiens, les livrèrent aux flammes puis abattirent et détruisirent un grand nombre d'arbres fruitiers.

Le même jour plusieurs bandes envahirent les villages de Counoupidiana Korakiés, Nérocouros, Tzikalaria, Aïa, Tousla, Kyrtomado, et Galata, à une petite distance de la Canée, pillèrent les maisons des Chrétiens, dont la plupart furent brûlées, puis détruisirent et abattirent encore des arbres fruitiers.

Le 17 du même mois, une autre bande pilla, puis incendia le village Chrétien de Pericolia.

Le 19 Juillet, une autre bande avec le concours de l'armée régulière Ottomane, pilla puis brûla les villages Chrétiens de Platania, Stalos, Daratzos, Patelari, Sainte-Marine, et Varipetos.

District de Kissamo.

Les 19, 20, 21, et jours suivants de Juillet des Musulmans de Crète se répandirent dans les villages de Kamara, Kounoupitza, Pyrgos, et Palaiokastron aux environs de Kastelli et dans les fermes de la plaine, qu'ils livrèrent aux flammes.

Après l'occupation militaire de Kissamo l'armée Turque régulière et les gendarmes Albanais se livrèrent, avec la tolérance du Gouverneur Militaire, à de terribles atrocités à l'endroit des Chrétiens. Ils les battaient sans motifs, ne respectant même pas la vieillesse, leur imposant de fortes amendes, exigeant d'être nourris aux frais des Chrétiens. Et le plus odieux, c'est qu'ils attentèrent à l'honneur des dames et des jeunes filles et se livrèrent à de honteux attentats sur les enfants et les adolescents.

District de Selino.

Les troupes Turques ayant militairement occupé ce district, les Musulmans indigènes se livrèrent avec elles à l'incendie d'un grand nombre de maisons de Kakodiki et des environs de Kandanos.

*Actes de Brigandage et autres Excès.**District de Kissamo.*

Le 13 et 14 Juillet, les Musulmans des campagnes ayant émigré en masse dans la ville fortifiée de Kissamo, employèrent la violence pour forcer les Chrétiens à leur céder leurs maisons où ils s'installèrent en s'appropriant tout ce qu'il y avait. Puis ils pillèrent les marchandises des boutiques des Chrétiens, détruisirent la plupart de leur maisons et de leur magasins en enlevant les portes, les fenêtres, et la toiture.

Le 15 du même mois ils saccagèrent les blés que les Chrétiens avaient amassés dans les aires et changèrent en désert, par l'abattage des arbres et des vignes, la belle plaine de Castelli.

Plus tard, l'armée Turque ayant reçu des renforts, la populace Musulmane procéda sous le canon de la forteresse, à la destruction de ce qui restait encore de fermes Chrétiennes de Kisamos.

*Meurtres et Tortures.**District de Cydonie.*

Le 15 Juillet, 1889, des Musulmans indigènes ont assassiné à "Xylocamara," près de la Canée, MM. Turkomanoli et Em. Phournaraki.

Le 16 du même mois, mais pendant l'incendie du village de Mourniés, Musulmans ont tué MM. Georges Tzorkaki ou Phredianaki et Jean ———, de 80 ans, après les avoir soumis à la torture.

Le 18, ils ont assassiné M. Jean Govazis de Perivolia, près de Boutsounaria.

Le 10 Septembre, au village historique de Laki, en suite des plaintes légitimes contre les troupes qui volaient le raisin de ses vignobles, Moronogeorges fut arrêté les officiers, battu, exposé au soleil toute la journée. En même temps fut aussi arrêté le curé du village de Laki, Pappa Charalampi, âgé de 65 ans, et Michel Kazali, l'on battit cruellement, que l'on attacha ensuite à des poteaux et que l'on laissa exposer toute la journée aux ardeurs d'un soleil brûlant.

Quelques jours après les frères Georges et Marc Manoledes et Jean Pateris furent battus et insultés au même village.

A Laki l'armée Turque arrêta M. Em. Scoulas, vieillard vénérable, qu'elle conduisit ensuite dans la prison de la Canée après l'avoir fort mal traité.

En même temps d'autres soldats frappaient outrageusement M. Michel Feras, âgé de 70 ans.

Le 1^{er} Août, les Musulmans indigènes firent tomber dans un guet-apens près de Pachia Ammo M. Michel Kokolnaki, qu'ils massacrèrent.

D'autres assassinèrent dans les mêmes conditions M. Em. Chondraki, près du village de Perivolia. Le même jour des soldats de l'armée régulière tuèrent Aletrouvaki M. Scordillaki travaillant dans sa vigne et blessèrent grièvement M. Kounduraki.

District de Kissamo.

Pendant le pillage et l'incendie des villages Chrétiens de Kissamo, des Musulmans indigènes tuèrent plusieurs Chrétiens, dont les noms de sept seulement sont arrivés jusqu'ici à notre connaissance : Michel Kounelaki, Jean Kotsyphaki, Em. Gambrakos, Em. Loukaki, Antoine Bolikaki, Michel Papadaki, et M. Kokolinaki.

District de Selino.

Après l'occupation du district par l'armée Impériale, des Musulmans Crétois et des soldats tuèrent M. Michelaki, Th. Polindaki, et d'autres Seliniotes ; ils maltraitèrent en outre quatre-vingt-dix-sept personnes.

Profanation de Temples et Violation de Sépultures.

District de Cydonie.

Le 16 Juillet les bandes qui avaient envahi les villages de Mourniés, Kourpidiana, Korakiés, Nerocourou, Tzikalaria, Aïa, Kirtomado, et Galata profanèrent les temples et enlevèrent les saintes images ; elles en brûlèrent une partie, outragèrent les autres, et souillèrent les autels.

Le 17 du même mois la bande qui avait envahi le village de Perivolia profana puis détruisit les temples de Sainte-Paraskevè, de Saint-Georges, de la Trinité, et de Sainte-Kyriaki.

Ils commirent en cet endroit un crime inouï. Ils violèrent les sépultures des morts et ayant trouvé le cadavre de Georges Phredianos, oncle de Georges Tzortzas, tué à Mourniés, ils le mirent debout après lui avoir enfoncé des pieux à la bouche et dans les yeux.

Le 19 pendant l'incendie et le pillage du village de Platania, Stalos, Daratou, Patelari, Sainte-Marine, et Vouripétro, les Musulmans indigènes profanèrent, avec le concours de l'armée, tous les temples de ces villages, enlevèrent les saintes images et les objets sacrés du culte et violèrent les sépultures.

Les soldats de l'armée régulière furent les premiers à donner le signal en mettant le feu à la maison de M. Spyridion Malidretos, située à Stalos. Ce furent aussi des soldats de l'armée régulière qui violèrent quelques jours après les sépultures et jetèrent dans un puits le cadavre d'une vieille et celui de M. Malitzevelaki.

District de Kissamo.

Pendant l'incendie des villages Chrétiens des environs de Kastelli les Turcs brûlèrent le couvent historique de Gouvernetos, profanèrent l'église de Saint-M

Antoine, enlevèrent les saintes images qu'ils exhibèrent, pour insulter notre religion, dans les cafés et autres endroits publics.

Ils crachèrent sur les images qu'ils insultaient avant de les détruire. L'armée Turque avec le concours de Musulmans indigènes, brûla le nouveau temple de Kastelli et jeta les saintes reliques dans les. . . .

District de Selino.

Les Musulmans indigènes avec des soldats de l'armée Impériale profanèrent l'église du village historique de Koutgerako.

Des gendarmes Albanais maltraitèrent et insultèrent deux prêtres, dont l'un fut amené dans les prisons de Kandanos, et ils battirent son fils.

DÉPARTEMENT DE SPHAKIA.

Meurtres et Tortures.

District d'Apokorona.

Après l'occupation militaire des points stratégiques de ce district, des atrocités inouïes ont été commises contre les Chrétiens désarmés. Ainsi (les 3, 4, 5, 6, 7, et 8 Septembre et jours suivants) des soldats arrêterent M. Pantéli Manolaki, Maire d'Arménos, qu'ils relâchèrent après l'avoir battu.

D'autres battirent cruellement en les traînant en prison M. Constant, Chazi Manolaki, Ant. Catsoulaki, Georges Portolaki, N. Chazi Stánataki, Chondromanolis, K. Frekakis, Maragoudakis, Basil Mandakakis, A. Mandakakis, et ses fils, Pierre et Nicolas, du village de Arménos, P. Theodorakis, Jean Caracdonas, S. Anastasiadis, B. Chalvadakis, Sprys Scandalakis.

A Néokhorio les Turcs ont frappé M. Kazyami et ont emprisonné MM. Saridaki et Linaraki. A Stylos, ils ont fouetté MM. Georges et Jean Clappas, MM. Ch. et E. Mariokakis, A. Pigadokhori; ils battirent et emprisonnèrent M. Anagnosti Habredaki. A Melidoni; ils ont déshonoré par la violence une femme sur laquelle plusieurs assouvirent leurs brutales passions et entreprirent d'en déshonorer d'autres. A Assigonia, M. Damianaki arrêté fut ligotté jusqu'au sang, et conduit, à coups de crosse, dans les prisons de la Canée.

A Vamo M. Hadjidki ou Hadji-Keraki, vieillard vénérable, fut battu pour avoir fait le signe de la Croix en passant devant une église. Léonidas Lambrakis fut arrêté dans la même localité, et jeté en prison. A Douliana, Georges Koukabassaki fut arrêté et emprisonné. Dix-sept hommes et sept femmes du village d'Alikampo et de Brosnéro furent jetés dans la prison de Vamo. Pour insulter les femmes, on les entoura d'une espèce de grillage en fer portatif dans lequel elles firent la route des villages à la prison. Ils enlevèrent aux hommes leurs armes et, les mains liées derrière le dos serrées jusqu'au sang, ils les menèrent dans la geôle de Vamo.

Plus de cent Notables de divers villages du district d'Apokorona ont été arrêtés et maltraités par les soldats. Un grand nombre d'autres sont forcés de s'expatrier ou de chercher leur salut dans les montagnes.

Profanation d'Églises et Violation de Sépultures.

District d'Apokorona.

A Vaphé des soldats ont profané l'église, brûlé les autels, puis brûlés les saintes images, après les avoir exposées à la risée publique. Une de ces images à demi-brûlée que les Chrétiens parvinrent à retrouver, fut envoyée au Consul de Russie à la Canée, qui l'envoya à Chakir Pacha avec une protestation écrite.

DÉPARTEMENT DE RETHYMO.

Incendie et Pillage des Biens des Chrétiens.

Rethymo (ville).

Au commencement de Juillet des Turcs du district ayant émigré à Rethymo avec leurs familles, à la sollicitation de leurs coreligionnaires de la ville, s'emparèrent de

force des maisons des Chrétiens, d'où ils expulsèrent les familles Chrétiennes après s'être appropriés, avec leurs meubles, les objets les plus précieux.

Incendie et Pillage des Villages Chrétiens.

District de Rethymo.

Du 20 Juillet au 15 Septembre plusieurs bandes de Turcs indigènes, soutenus par les troupes régulières, incendièrent, au moyen du pétrole, à Adèle, la grande maison de M. Saint-Lampropoulos. A Azipopoulo ils brûlèrent plusieurs maisons Chrétiennes du village de Galli.

A la même époque ces mêmes Musulmans Crétois, avec l'appui et le concours de l'armée régulière, pillèrent les raisins et autres produits du sol, enlevèrent les portes et fenêtres et plusieurs toitures des villages de Mylos, Oros, Anoghia, Saint-Izene, Castelle, Arménos, Adèle, Roussospiti, Selly Myrthio, Goulédiana, Priné, Caru et Rassés.

Meurtres et Tortures.

District de Rethymo.

Au commencement de Juillet les Musulmans d'Avdanités massacrèrent un Chrétien de leur village. Le 16 du même mois un Musulman tua M. Apostolou Gallianos sur la route de Saint-Georges. Le 10 des Crétois Musulmans tuèrent, après les avoir maltraités, MM. E. Gomiotakis et Jean Panaghiotaki, de Rustica. Le 11 des Musulmans ont tué à Scaletta Panagioti Boijadzis. Le 24, des Musulmans descendant au village de Pighi tuèrent deux Chrétiens, M. André Manolaki et son fils après leur avoir arraché la peau du visage, et blessèrent M. Michel Tzigdinos. Des bandes de Musulmans massacrèrent trois Chrétiens à Atzipopoulo, quatre à Gonia. MM. E. Dilidaki, J. Tzangaraki, N. Apostolaki et un autre dont nous ne savons pas le nom. Le 20, près du village de Saint-André, ils tuèrent deux Chrétiens, MM. Yaceuli Djordzaki, et Alexis Plétéraki. Le 21, ils massacrèrent M. Apostolou près de Thymara.

Le 4 Août ces mêmes Musulmans tuèrent un Chrétien à Geranistia-Phighadia. Le 8 du même mois ils assassinèrent à Bangalokhori M. Georges Kaëpora.

Profanation d'Églises et Violation de Sépultures.

District de Rethymo.

Pendant le pillage et l'incendie des bourgs de la Commune de Pighi Chromonastis et Azipopoulo, les Musulmans indigènes et des soldats de l'armée Impériale profanèrent les couvents, démolirent les églises, enlevèrent les objets du culte, qu'ils exhibèrent présentèrent aux outrages de la populace Musulmane, sans que les autorités aient fait la moindre démarche pour épargner cet outrage à notre sainte religion.

DÉPARTEMENT D'HÉRACLION.

Incendie et Pillage des Biens des Chrétiens.

Héraclion (ville).

Les Musulmans des campagnes commencèrent à émigrer dans cette ville à partir du 12 Juillet. Comme à Rethymo ils s'emparèrent des maisons des Chrétiens, qu'ils expulsèrent et en forcèrent un grand nombre à s'expatrier, après s'être appropriés une partie de leurs biens.

District de Pédiade.

Depuis le 14 Juillet, la populace Musulmane envahit souvent les villages Chrétiens de Scalaki, Eliá, Episcopi, Valthia, Anapoli, Houdezi, Pesà, Skylon, Counabos, Sainte-Basile, Sainte-Paraskivés, Commes Kellia, Zagorianos, Scopela, Aghians, Pantas, Catalagari, Gouves, Aïtania, Stamboul, Kainomghio-Horion.

Sgourokephala, la populace Musulmane, disons-nous, pilla ces villages, enleva les portes et les fenêtres des maisons, puis incendia la plupart des maisons appartenant à des Chrétiens.

District de Téménos.

Le 24 Juillet, la populace Musulmane incendia le village de Vassiliés après l'avoir préalablement livré au pillage. Elle brûla ensuite et détruisa la ferme de M. Capuistes.

District de Monofatsio.

Vers le milieu d'Août des Musulmans appuyés par la troupe régulière incendièrent le couvent de Saint-Georges Epano-Siphi.

District de Messara.

A la même époque la troupe régulière soutint la populace et aida à piller un grand nombre de maisons des Chrétiens, des villages de la partie haute de ce district.

Actes de Brigandage et autres Excès.

Héraclion (ville).

Des bandes de Musulmans postées à Roussés Ghiophyri-Kamara et Bézniédji-Vrissi, à une légère distance de la ville, sur la voie publique, arrêtaient et dévalisaient les Chrétiens qui entraient et sortaient d'Héraclion. Plusieurs furent maltraités, d'autres blessés et quelques-uns estropiés à jamais.

Meurtres et Tortures.

Héraclion (ville).

Le 21 Juillet fut tué par les Turcs un matelot Italien ; Themistocles Marniaki fut dangereusement blessé.

Le 20 Juillet des Musulmans postés à Roussés, près de la ville, massacrèrent la famille Chrétienne de Platsijamaki, composée de quatre personnes. La jeune fille âgée de 14 ans, blessée de coups de poignard et de revolver, se sauva par la fuite dans les montagnes, puis rentra dans la ville en état de démence.

Vers le milieu d'Août à Vezinedji Vrissi les Turcs tuèrent Franghio Galeliomaki et blessèrent son fils à coups de revolver.

District de Pédiade.

Pendant le pillage du village d'Anopoli les Turcs massacrèrent trois Chrétiens. Vers la fin d'Août Minas Macraki fut tué à Elia, dans la zone militaire. A Grigeriani sept soldats violèrent une jeune fille Chrétienne. A Milia d'autres soldats violèrent aussi une jeune fille Chrétienne, qu'ils massacrèrent ensuite.

District de Monofatsi.

Au village Kato-Moulia le 11 Septembre, sept soldats massacrèrent la veuve de M. Valério après l'avoir violée pendant deux jours.

A Kheli-Kastelli des soldats tuèrent un Chrétien et en blessèrent deux autres.

Profanation de Temples et Violation de Sépultures.

District de Pédiade.

Depuis le 14 Juillet jusqu'aux premiers jours d'Octobre toutes les églises des villages du district occupés, comme on l'a dit plus haut, et ceux de plusieurs autres encore furent profanées, et détruites par les Musulmans. Comme d'ordinaire ils outragèrent les saintes images. A Kastelli des soldats Turcs violèrent le tombeau d'un enfant, dont ils jetèrent au loin le cadavre.

District de Monofatsi.

Vers le milieu de Septembre des Musulmans soutenus par des soldats envahirent le couvent de Saint-Georges Epano-Siphi, en profanèrent la chapelle et enlevèrent les saintes images.

Émigration forcée, Exil, et Disparition des Chrétiens Crétois, effectués par les Autorités Militaires de l'Île.

Le régime de terreur inauguré par Chakir Pacha vise la destruction, la ruine de tous les Crétois distingués par leur patriotisme, leur courage, et leur situation dans le pays.

Après l'occupation militaire M. Jean Anastassaki, un des cinq Deputés qui avaient signé, à l'Assemblée Générale, le Décret de l'union de Candie à la Grèce, fut condamné sans débat contradictoire à l'exil dans la ville de Bagdad. Ensuite les Turcs condamnèrent sans débat à quinze ans d'exil à Rhodes M. Roussos Christodoulaki, Chef Militaire de Sphakia, alors Conseiller-Général Administratif.

Ils jetèrent aussi en prison, où ils continuent à les maltraiter, les Notables et bons patriotes MM. André Geranioti, sujet Hellène et Juge de Paix; Panaghiotti Dictaki, sujet Hellène aussi et Maire de Messoghia; Em. Marcandoni, Avocat, Limbritis, Juge de Paix, qu'ils envoyèrent chargés de chaînes dans les prisons de la Canée; Charalampos Maris, et des centaines d'autres Chrétiens, honnêtes, pacifiques, et jouissant d'une excellente réputation.

Plusieurs autres échappant aux poursuites des autorités Turques s'expatrient à l'étranger; quelques-uns reçoivent l'hospitalité dans les villes et les îles de la Grèce, où ils se sont réfugiés avec leurs familles depuis le commencement de l'agitation dans la crainte d'un massacre général des Chrétiens de la part des Turcs.

Ils ont arrêtés et exilés sans débat contradictoire Anagnostis Gogonis, Sous-Préfet, et Chef Militaire d'Apokorona, ainsi que M. Arthemios Mikaki, de Gavalochori.

(Translation.)

Detailed Account of the Atrocities, Murders preceded by Torture, Acts of Arson, Pillage, and Violence, Sacrilegious Profanities, Disappearance of Christians, effected by the Turks in Crete, in July, August, and September, 1889.

DEPARTMENT OF CANEA.

Arson and Pillage of the Property of Christians.

District of Cydonia.

ON the 16th July (o.s.), 1889, Cretan Mussulmans went to the village of Mourniés, a half-hour's distance from Canea, pillaged the houses of the Christians, set them on fire, and then cut down and destroyed a large quantity of fruit trees.

The same day several gangs invaded the villages of Counoupidiana Korakiés, Nérocouros, Tzikalaria, Aïa, Tousla, Kyrtomado, and Galata, a short distance from Canea, pillaged the houses of the Christians, burned most of them, and then again cut down and destroyed the fruit trees.

On the 17th of the same month another gang pillaged and then set fire to the Christian village of Pericolia.

On the 19th July another gang, with the assistance of the Ottoman regular troops, pillaged and then burnt the Christian villages of Platania, Stalos, Daratzos, Patelari, Sainte-Marine, and Varipetos.

District of Kissamo.

On the 19th, 20th, and 21st July, and following days, Cretan Mussulmans overran the villages of Kamara, Kounoupitza, Pyrgos, and Palaiokestron, near Kastelli, as well as the farms in the plain, and set fire to the buildings.

After the military occupation of Kissamo the Turkish regular army and the Albanian gendarmes committed horrible atrocities on the Christians, with the connivance of the Military Governor. They beat them without any reason, without even respecting old age, and levied heavy fines on them, demanding to be fed at the expense of the Christians. And, what is more detestable, they violated the honour of women and young girls, and made shameful assaults upon children and youths.

District of Selino.

The Turkish troops having placed this district under military occupation, the Mussulman inhabitants joined them in setting fire to a large number of houses in Kakodiki, and in the neighbourhood of Kandanos.

*Acts of Brigandage and other Excesses.**District of Kissamo.*

On the 13th and 14th July the Mussulmans from the country having emigrated *en masse* to the fortified towns of Kissamo, employed violence in order to force the Christians to give up their houses, in which they established themselves, appropriating everything that they contained. Then they pillaged the merchandize and shops of the Christians, and destroyed the majority of their houses and shops, taking away doors, windows, and roofing.

On the 15th of the same month they destroyed the corn which the Christians had stacked in their barns, and, by destroying trees and vines, transformed the beautiful plain of Castelli into a desert.

Later on, when the Turkish army had received reinforcements, the Mussulman population proceeded, under the guns of the fortress, to destroy the remaining Christian farms at Kissamo.

*Murders and Torture.**District of Cydonia.*

On the 15th July, 1889, native Mussulmans assassinated at "Xylocamara," near Canea, MM. Turkomanoli and Em. Phournaraki.

On the 16th of the same month, while the village of Mourniés was being burnt, some Mussulmans killed MM. Georges Tzorkaki, *alias* Phredianaki, and Jean ———, aged 80, after inflicting torture upon them.

On the 18th they murdered M. John Govazis, of Perivolía, near Boutsounaria.

On the 10th September, at the historic village of Laki, and in consequence of legitimate complaints against the troops who were stealing the grapes from his vineyard, Moronogeorges was arrested by the officers, beaten, and exposed to the sun for a whole day. At the same time the parish priest of the village of Laki, Pappa Charalampi, aged 65, and Michel Kazali were arrested, and the latter was cruelly beaten, fastened afterwards to stakes, and remained exposed for a whole day to the heat of a burning sun.

A few days afterwards the brothers Georges and Marc Manoledes and Jean Pateraki were beaten and insulted in the same village.

At Laki the Turkish troops arrested M. Em. Scoulas, a venerable old man, who was afterwards badly ill-treated and thrown into the prison of Canea.

At the same time other soldiers brutally beat M. Michel Feraroli, aged 70.

On the 1st August the native Mussulmans laid in wait for M. Michel Kokolnaki near Pachia Ammo, and murdered him.

Others assassinated in the same way M. Em. Chondraki, near the village of Perivolía. On the same day the soldiers of the regular army killed M. Scordillaki at Aletrouvari, when he was working in his vineyard, and wounded seriously M. Kounduraki.

District of Kissamo.

During the pillage and burning of the Christian villages of Kissamo, the native Mussulmans killed several Christians, of whose names only seven have come to our knowledge: Michel Kounelaki, Jean Kotsyphaki, Em. Gambrakaki, Em. Loukaki, Antoine Bolikaki, Michel Papadaki, and M. Kokolinaki.

District of Selino.

After the occupation of the district by the Imperial army, some Cretan Mussulmans and some soldiers killed M. Michelaki, Th. Polindaki, and other Seliniotes, and ill-treated ninety-seven persons besides.

*Profanation of Churches and Violation of Graves.**District of Cydonia.*

On the 16th July the bands who had invaded the villages of Mourniés, Kounoupidiana, Korakiés, Nerocourou, Tzikalaria, Aïa, Kirtomado, and Galata profaned all the churches and took away the holy pictures; they burnt some of them, insulted others, and defiled the altars.

On the 17th of the same month the band which had invaded the village of Perivolia first profaned and then destroyed the churches of Sainte-Paraskevy, of Saint-Georges, of the Trinity, and of Sainte-Kyriaki.

They committed in that place an unheard-of crime. They violated the graves of the dead, and having found the corpse of Georges Phredianos, uncle of Georges Tzortzakis, who was killed at Mourniés, they placed it upright, after having driven stakes into the mouth and eyes.

On the 19th, during the burning and pillage of the villages of Platania, Stalos, Daratzos, Patelari, Sainte-Marine, and Vouripetro, the native Mussulmans profaned, with the assistance of the troops, all the churches of those villages, carried away the holy pictures and sacred vessels, and violated the graves.

The soldiers of the regular army were the first to give the signal by setting fire to the house of M. Spiridion Malidretos, at Stalos. It was also the soldiers of the regular army who, some days afterwards, violated the graves and threw into a well the corpses of an old woman and of M. Malitzevelaki.

District of Kissamo.

During the burning of the Christian villages in the neighbourhood of Kastelli, the Turks burnt the historic convent of Gouvernetos, profaned the church of St. Antony, and stole the holy pictures, which they exhibited in inns and other public places with the object of insulting our religion.

They spat upon the sacred pictures, insulting them before they destroyed them. The Turkish troops, with the assistance of Mussulmans of the locality, burnt the new church at Kastelli, and threw the sacred relics into the . . .

District of Selino.

The native Mussulmans, with soldiers of the Imperial army, profaned the church of the historical village of Koutgerako.

Albanian gendarmes ill-treated and insulted two priests, one of whom was taken to the prisons of Kandanos, and they beat his son.

DEPARTMENT OF SPHAKIA.

*Murders and Tortures.**District of Apokorona.*

After the military occupation of the strategical points in this district, unheard-of atrocities were committed upon the unarmed Christians. Thus (on the 3rd, 4th, 5th, 6th, 7th, and 8th September and following days) M. Pantéli Manolaki, Mayor of Arménos, was arrested by soldiers and set free after being beaten.

Other soldiers cruelly beat, while dragging them to prison, M. Constant, Chazi Manolaki, Ant. Catsoulaki, Georges Portolaki, N. Chazi Stamataki, Chondromanolis, K. Frekakis, Maragoudakis, Basil Mandakakis, A. Mandakakis, and his sons, Pierre and Nicolas, of the village of Arménos, P. Theodorakis, Jean Caracdonas, S. Anastasiadis, B. Chalvadakís, Sprynos Scandalakis.

At Neokhorio the Turks beat M. Kazzami, and imprisoned MM. Saridaki and Linarki. At Stylos they whipped MM. George and John Clappas, MM. Ch. and E. Mariokakis, A. Pigadokhori; they beat and imprisoned M. Anagnosti Habredaki. At Melidoni they violated a woman, on whom several of them satisfied their brutal passions, and they attempted to dishonour others. At Assi-Gonia M. Damianaki was arrested, bound so tightly that the cords drew blood, and led, under a shower of blows, to the prisons of Canea.

At Vamo M. Hadjidki or Hadji-Keraki, a venerable old man, was beaten for having made the sign of the Cross when passing a church. Leonidas Lambrakis was arrested at the same place, and thrown into prison. At Douliana Georges Koukabassaki was arrested and imprisoned. Seventeen men and seven women from the village of Alikampo and Brosnéro were thrown into the prison at Vamo. In order to insult the women they surrounded them with a kind of portable iron grating, in which they were made to pass through the villages on their way to prison. The men were deprived of their arms, and were led to the prison at Vamo with their hands tied so tightly behind their backs that the cords drew blood.

More than a hundred Notables of various villages in the district of Apokorona were arrested and ill-treated by the soldiers. A great many more were forced to leave the country or to seek refuge in the mountains.

Profanation of Churches and Violation of Burial-grounds.

District of Apokorona.

At Vaphé soldiers profaned the church, burnt the altars, and then burnt the sacred pictures after exposing them to public ridicule. One of these pictures was found by Christians half-burnt, and was sent to the Russian Consul at Canea, who forwarded it to Shakir Pasha with a written protest.

DEPARTMENT OF RETHYMO.

Burning and Plundering of the Property of Christians.

Rethymo (town).

At the beginning of July the Turks of the district, who had emigrated to Rethymo with their families at the request of their co-religionists in the town, took forcible possession of the houses of the Christians, whence they expelled the Christian families, after having appropriated their most valuable goods as well as their furniture.

Buring and Pillage of Christian Villages.

District of Rethymo.

From the 20th July to the 15th September several bands of native Turks, supported by regular troops, set fire by means of petroleum to the large house belonging to M. Saint-Lampropoulos at Adèle. At Azipopoulo they burnt several Christian houses in the village of Galli.

At the same time, these same Cretan Mussulmans, with the support and assistance of the regular army, seized upon the grapes and other agricultural produce, carried off the doors and windows and several roofs from the villages of Mylos, Oros, Anoghia, Sainte-Izene, Castelle, Arménos, Adèle, Roussospiti, Selly Myrthio, Goulédiana, Priné, Carré, and Rassés.

Murders and Torture.

District of Rethymo.

At the beginning of July the Mussulmans of Avdanités massacred a Christian of their village. On the 16th of the same month a Mussulman killed M. Apostol Gallianos on the road to Saint-Georges. On the 10th some Cretan Mussulmans killed MM. E. Gomiotakis and Jean Panaghiotaki, of Rustica, after having maltreated them. On the 18th Mussulmans killed Panagioti Boijadzis at Scaletta. On the 24th some Mussulmans, on the way to the village of Pighi, killed two Christians, M. André Manolaki and his son, after tearing the skin off their faces; and they wounded M. Michel Tzigdinos. Bands of Mussulmans massacred three Christians at Atzipopoulo, and four at Gonia, MM. E. Dilidaki, J. Tzangarakis, N. Apostolaki, and another whose name is unknown to us. On the 20th, near the village of Saint-André, they killed two Christians, MM. Yaceuli Djordzaki and Alexis Plétéraki. On the 21st they massacred M. Apostolaki near Thymara.

On the 4th August these same Mussulmans killed a Christian at Geranistica-Phighadia; on the 8th of the same month they assassinated M. Georges Kaëpora at Bangalokhori.

Profanation of Churches and Violation of Graves.

District of Rethymo.

During the pillaging and burning of the towns in the Commune of Pighi-Chromonasteri and Azipopoulo, the native Mussulmans and soldiers of the Imperial army desecrated the convents, demolished the churches, and carried off the sacred objects, which they showed in public and exposed to the outrages of the Mussulman populace, the authorities taking no steps whatever to prevent this outrage to our holy religion.

DEPARTMENT OF HERACLION.

Burning and Plundering the Property of Christians.

Heraction (town).

The Mussulmans from the country began to come into this town on the 12th July. As at Rethymo, they took possession of the houses of the Christians, drove them out, and forced a great number of them to leave the place, after they had appropriated part of their property.

District of Pediade.

Commencing from the 14th July, the Mussulman populace repeatedly entered the Christian villages of Scalaki, Eliá, Episcopi, Valthia, Anapoli, Houdezi, Pesà, Skylons, Counabos, Sainte-Basil, Sainte-Paraskivés, Commés Kellia, Zagorianos, Scopela, Aghians Pantas, Catalagari, Gouves, Aitania, Stamboul, Kainomghio-Horio, Sgouro-kephala. The Mussulman populace plundered these villages, carried off the doors and windows of the houses, and then burnt most of the houses belonging to Christians.

District of Téménos.

On the 24th July the Mussulman populace burnt the village of Vassiliés, after plundering it. They afterwards burnt and laid waste M. Capuistes' farm.

District of Monofatsio.

Towards the middle of August, Mussulmans, backed up by regular troops, burnt the convent of Saint-Georges Epano-Siphi.

District of Messara.

About the same time the regular troops supported the populace and assisted in the plunder of a great number of houses belonging to Christians in the villages in the upper part of this district.

Acts of Brigandage and other Excesses.

Heraction (town).

Bands of Mussulmans posted at Roussés Ghiophyri-Kamara and Bézniédji-Vrissi, a little way from the town, on the public road, stopped and plundered the Christians entering and leaving Heraction. Several of them were ill-treated, others wounded, and some of them maimed for life.

Murders and Tortures.

Heraction (town).

On the 21st July an Italian sailor was killed by the Turks. Themistocles Marniaki was dangerously wounded,

On the 20th July Mussulmans posted at Roussés, near the town, massacred the Christian family of Platsijamaki, consisting of four persons. The young daughter, aged 14, wounded by daggers and revolver-shots, saved her life by flying to the mountains, and subsequently returned to the town deprived of her reason.

About the middle of August, Turks at Vezinedji Vrisi killed Franghio Galeliomaki, and wounded his son with shots from revolvers.

District of Pediade.

When plundering the village of Anopoli, the Turks murdered three Christians. Towards the end of August Minas Macraki was killed at Elia, in the military zone. At Grigoriani seven soldiers ravished a young Christian girl. At Milia other soldiers ravished a young Christian girl, and then murdered her.

District of Monofatsi.

In the village of Kato-Moulia, on the 11th September, seven soldiers murdered the widow of M. Valerio, after ravishing her for two days.

At Kheli-Kastelli soldiers killed one Christian and wounded two others.

Desecration of Churches and Violation of Burial-grounds.

District of Pediade.

During the period between the 14th July and the first days of October, all the churches in the villages occupied, as stated above, in this district, as well as the churches in several other villages, were desecrated and demolished by the Mussulmans. As usual, they insulted the sacred pictures. At Kastelli Turkish soldiers tore open the grave of a child and threw the body some distance off.

District of Monofatsi.

Towards the middle of September Mussulmans, supported by soldiers, forced their way into the convent of Saint-Georges Epano-Siphi, desecrated the chapel, and carried off the sacred pictures.

Forced Emigration, Exile, and Disappearance of Cretan Christians, effected by the Military Authorities of the Island.

The reign of terror inaugurated by Shakir Pasha aims at the destruction and ruin of all the Cretans who have distinguished themselves by their patriotism, their courage, and their position in the country.

After the military occupation, M. Jean Anastassaki, one of the five Deputies who had signed in the General Assembly the Decree for the union of Crete with Greece, was condemned, without his defence being heard, to exile in the town of Bagdad. Afterwards the Turks, without hearing the defence, condemned M. Roussos Christodoulaki, Military Chief of Spakia, then Administrative Counsellor-General, to fifteen years exile in Rhodes.

They also put into prison and continued to maltreat them there MM. André Geranioti, a Greek subject and Justice of the Peace; Panaghiotti Dietaki, also a Greek subject and Mayor of Messoghia; and Em. Marcandoni, lawyer, Limbritis, Justice of the Peace, and sent them loaded with chains to the prisons of Canea; Charalampos Maris, and hundreds of other Christians, honest and peaceable people who enjoyed an excellent reputation.

Many others escaped from the pursuit of the Turkish authorities and took refuge abroad; some are receiving hospitality in the towns and islands of Greece, where they have sought refuge with their families since the commencement of the agitation through fear of a general massacre of the Christians by the Turks.

They have arrested and exiled, without hearing their defence, Anagnostis Gogonis, Sub-Prefect and Military Chief of Apokorona, as well as M. Arthemios Mikaki, of Gavalochoiri.

Consul Biliotti to the Marquis of Salisbury.—(Received October 31, 8 A.M.)

(Telegraphic.)

Canea, Crete, October 30, 1889, 11.15 P.M.

AN attempt at rape on a Christian woman by soldiers, which was alleged to have taken place in the village of Lakkos, district of Canea, is unfounded. However, in the village of Loutraki there has been a very cruel case of oppression and beating by four gendarmes, who acted under the order of a Mussulman Bey, of five Christians, one of whom is a boy 11 years old.

Although quiet, Christians also complain of not obtaining justice in their claims against Mussulmans, and likewise labour under a strong feeling of anxiety. Several Deputies clandestinely embarked from this district for Greece. I succinctly explained to Shakir Pasha, in a long interview which I had with him, the state of things. His Excellency, who intends to visit the western districts, has assured me that timber was to be carried only by Mussulmans who had volunteered to do so, and that he would see to Christians being exonerated from further forced labour. Cases of complaints against the gendarmerie are to be examined by the Colonel of Gendarmerie, who is to accompany his Excellency. Great evil arises out of too much zeal on the part of subordinate Mussulman officials; and the Vali, who agreed with me on the subject, will endeavour to calm it down. Having suggested the appointment of Mixed Commissions for the amicable settlement of claims between Christians and Mussulmans, the Vali thanked me, as it is a means of reducing complaints against the Government.

The district of Cydonia is, in fact, that of Canea proper. There is a Christian Kaimakam, a Mussulman Government Counsellor, and two Justices of the Peace—one Christian at Alikianou, which is the seat of the Government, and one at Halepa.

No. 88.

Sir W. White to the Marquis of Salisbury.—(Received November 1.)

My Lord,

Therapia, October 28, 1889.

I HAVE the honour to transmit herewith to your Lordship a copy of a despatch addressed to me by Sir A. Hoskins, Commander-in-chief of the Mediterranean Squadron, inclosing extracts from a Report by the Commander of Her Majesty's ship "Polyphemus" on the subject of alleged Turkish barbarities in Crete.

I have, &c.

(Signed) W. A. WHITE.

Inclosure 1 in No. 88.

Rear-Admiral Sir A. Hoskins to Sir W. White.

Sir,

"Dreadnought," at Nauplia, October 21, 1889.

I HAVE the honour to inclose, for your Excellency's information, extracts from a Report, dated at Suda Bay, the 18th instant, which I have this day received from Commander Meryon, of Her Majesty's ship "Polyphemus," on the subject of alleged Turkish barbarities in Crete.

I have approved of Commander Meryon accompanying Her Majesty's Consul in accordance with the request of the latter in his visit to the western interior of the island, and will forward to your Excellency a copy of the Report, giving the conclusions at which he arrives regarding the alleged barbarities.

I have, &c.

(Signed) A. H. HOSKINS.

Inclosure 2 in No. 88.

Commander Meryon to Rear-Admiral Sir A. Hoskins.

(Extract.)

"Polyphemus," at Suda Bay, October 18, 1889.

A TURKISH resident was murdered by Greeks on the evening of the 7th instant at a village 5 miles from Canea, and from native gossip I heard that there had been one or two other cases in the last few days of Mussulmans being murdered by Christians, but though the malefactors were arrested, I did not hear of any executions taking place.

On the 12th instant I found the British Consul had returned from the country, having investigated numerous cases of ill-treatment of Christians by Turkish troops. The net result of these investigations I sent you by telegram on the 15th from Sitia. viz., that cases of beating with sticks, riding-whips, &c., had frequently occurred both on Christians and Mussulmans generally, with the object of enforcing restoration of property stolen by one or the other during the recent riots, but that there were no established cases of barbarity perpetrated by the Turkish troops, and that of the two reported cases of outrage on Christian women at Moulia (near Agios Vavara) and Gligoria, the former was not supported by any evidence, and the latter was entirely disproved.

On the 14th at Neapolis the Governor, who is a Christian, permitted two deputations of Christian Cretans to address the Consul at the Government House in my presence. In both cases the first question put to them was, "Have you any cause of complaint against the Turkish troops?" and in each case the immediate answer was, "None whatever," but they complained of isolated cases of harsh imprisonment. The Consul explained to them that it was not in our province to listen to complaints of that sort. From the statements made by them, as well as by statements courteously made by the Governor, I do not consider that they had much to complain of, as the crimes of which they were accused and were waiting trial for generally were stealing or retaining property stolen during the late riots.

On the 17th the Consul informed me that since his return to Suda Bay he has heard of some uneasiness in the Canea district, which is always the most unsettled in consequence of an influential Cretan, Captain Mathion, having been outlawed, and, in company with a few others, fled to the mountains.

No. 89.

Consul Biliotti to the Marquis of Salisbury.—(Received November 1, 8 A.M.)

(Telegraphic.)

Canea, Crete, October 31, 1889, 11.50 P.M.

THE Vali, followed by three steamers with about two battalions on board, sailed this morning for the western districts. The object of Shakir Pasha, as he explained it to me, is to occupy the coast in order to prevent the landing of ammunition. A Petition, begging to be allowed to return home, was sent to the Vali by one battalion of the Adana Redifs, who are at an hour's distance from Canea. A *Te Deum* having been celebrated at Selinos, in our village, on the occasion of the marriage of the Heir-Apparent to the Throne of Greece, and the Hellenic flag having been hoisted, on the same occasion, on the flag-staff of a church at Lassithi, the Vali invited the Archbishop of Crete to order to take down all church flag-staffs. In the absence of the Vali, I expressed to the Government Counsellor the opinion that the carrying out of this measure would greatly excite Christians at large, and that they should not be held responsible for the action of a few of their community, on whom punishment might be inflicted. Troops are also moved towards Spakia.

No. 90.

Foreign Office to Consul Biliotti.

Sir,

Foreign Office, November 2, 1889.

I TRANSMIT to you herewith a copy of a despatch from Her Majesty's Minister at Athens,* inclosing a Memorandum on the Cretan question and a detailed statement

of alleged outrages on Christians, both of which documents were left at Her Majesty's Legation at Athens on the 24th ultimo.

I am directed to request that you will furnish Lord Salisbury with your observations on the inclosed statement of outrages.

I am, &c.
(Signed) P. CURRIE.

No. 91.

The Marquis of Salisbury to Sir E. Monson.

Sir,

Foreign Office, November 2, 1889.

I HAVE received your despatch of the 25th ultimo, forwarding copies of a Memorandum on the Cretan question and of a detailed statement of alleged outrages on Christians, which were left at Her Majesty's Legation on the 24th ultimo.

I have requested Consul Biliotti to furnish me with his observations on the statement of outrages.

I am, &c.
(Signed) SALISBURY.

No. 92.

Sir W. White to the Marquis of Salisbury.—(Received November 9.)

My Lord,

Constantinople, November 5, 1889.

WITH reference to my despatch of the 28th ultimo, I have the honour to transmit herewith a telegraphic Report furnished to me by the Commander-in-chief on the subject of inquiries made by the Commander of Her Majesty's ship "Polyphemus" into the alleged barbarities in Crete.

I have, &c.
(Signed) W. A. WHITE.

Inclosure in No. 92.

Telegraphic Report from Admiral Sir A. Hoskins.

REPORTS have been received from the officer commanding Her Majesty's ship "Polyphemus," stating that, in company with the British Consul, he has been engaged for five days past in visiting a large number of villages in the west and north-west of the Island of Crete. Large deputations of the principal Christians were received in all these villages by them. Very few complaints of ill-treatment by Turkish troops were made, and these few proved to be trivial.

Two complaints made by Greek priests of ill-treatment at the hands of gendarmes turned out to be of a frivolous character. But Christians complained generally, and in serious terms, of partiality in the Law Courts.

The Commander of the "Polyphemus" found many more Christians than Mussulmans waiting trial in prison. He accounts for this state of things by reporting that the Christians are a less law-abiding people than the Mussulmans. Further, the Christians will incriminate one another, whereas the Mussulmans hold together.

The principal Chiefs among the Christians expressed their strong conviction that a further outbreak was imminent. If ammunition is imported from Greece, such an outbreak appears inevitable.

November 4, 1889.

No. 93.

Consul Biliotti to the Marquis of Salisbury.—(Received November 9, 8 A.M.)

(Telegraphic.)

Canea, Crete, November 8, 1889, 10.40 P.M.

THE Vali has appointed, and is appointing, Mixed Commissions for the amicable settlement of mutual claims of Christians and Mussulmans. These Commissions are authorized to make domiciliary searches for the recovery of stolen property; no ground of complaint will remain to Christians under this head if these instructions are properly carried out. Some thirty Christians have already been released at Apokorona under this arrangement.

This day, permission to leave the island, which was hitherto refused, was granted to women, as well as to two Conservative leaders. Two others at Rethymo, who were imprisoned a few days back, were, by the Vali's order, set at liberty.

An excellent impression is produced among Christians by all these measures.

No. 94.

Consul Biliotti to the Marquis of Salisbury.—(Received November 9, 8 A.M.)

(Telegraphic.)

Canea, Crete, November 8, 1889, 10.40 P.M.

ALL the coasts, from the western extremity of the island up to Candia and a corresponding point south of that town, are occupied by troops.

No. 95.

Consul Biliotti to the Marquis of Salisbury.—(Received November 9, 11.45 P.M.)

(Telegraphic.)

Canea, Crete, November 9, 1889, 10.15 P.M.

THIS day was released an officer of gendarmerie whose case had attracted much attention here; more prisoners are expected to be set at liberty to-morrow, among whom some are in prison for political offences. The aspect of affairs is becoming more satisfactory hourly. Taking down the church flagstaffs (reference to my telegram of the 31st ultimo), if insisted upon, is the only circumstance that might at present darken the horizon.

The case was submitted to Constantinople by the Vali.

No. 96.

Sir E. Monson to the Marquis of Salisbury.—(Received November 11.)

(Extract.)

Athens, November 5, 1889.

YOUR Lordship will not be surprised to hear that the republication in the Athenian press of a letter, written by your direction to the Secretary of a Baptist Association on the subject of the alleged Turkish atrocities in Crete, has provoked a storm of journalistic vituperation of Her Majesty's Government, and of their Consul in that island.

It is needless also that I should report that no amount of denials of their authenticity would have the effect of throwing discredit upon the stories circulated here as to the barbarities committed by the Mussulman soldiery and gendarmerie upon the Cretans. These stories are being perpetually renewed by the Cretan refugees now domiciled in Athens, and are daily more intensified in their horrors. They are greedily accepted as true by the public at large, and even if the editors of the newspapers have more accurate information, they would certainly never dare to run counter to public feeling by publishing only what is ascertained, and declining to publish what is proved to be exaggerated or false. *Populus vult decipi*, and consequently the journals vie with one another in the narration of falsehoods.

As a specimen of what is published even by a French newspaper here, I will quote from an article appearing in last night's "Spectateur d'Orient," in which I find the following:—

"Les nouvelles récentes que les derniers réfugiés Crétois nous ont apportées sont

malheureusement plus alarmantes que jamais. Les soldats Turcs et les Musulmans Crétois continuent avec rage leur œuvre de destruction ; les persécutions et les arrestations deviennent de jour en jour plus nombreuses, malgré les assurances données par Chakir Pacha concernant la punition des organes de l'autorité qui se sont écartés de la voie du devoir.

“ Les prisons regorgent de détenus Chrétiens, la plupart innocents, et les habitants des villes, jusqu'ici épargnés, commencent à être frappés des mêmes mesures cruelles que les paysans.

“ Les parents de ceux qui sont parvenus à se soustraire aux supplices sont pris et jetés en prison à leur place. Un prêtre a été dernièrement pris et battu par la raison que son couvrechef était plus haut que le fez Turc. Un paysan Chrétien a été lié à un arbre et laissé la face au soleil et une baïonnette sous le menton pendant toute une journée. Le soir ce pauvre martyr mourait dans sa prison d'un coup de soleil. Un jeune homme a été battu et mis en prison pour avoir touché de l'épaule le cheval d'un Musulman.

“ La terreur règne partout, et la misère est à son comble. Les orgies des gendarmes Albanais n'ont plus de nom. Ils se procurent les moyens de vivre en pillant les villages ; et leur divertissement favori pendant leurs heures perdues c'est l'outrage des femmes et des jeunes filles. On devrait remplir des colonnes entières pour énumérer les avanies, les persécutions, et les oppressions exercées par les Turcs.”

Language of similar import is used by all the Greek papers, and the vagueness of the accusations generally formulated in no wise diminishes their force and their acceptability in the eyes of the public. Mr. Biliotti has again become the object of journalistic attack. It is asked, “ Of what means had the British Consul the command to enable him to open and carry through an inquiry in an impartial manner ? What power has he in a country occupied by a barbarous soldiery to save from their vengeance the lives of those who might have denounced the executioners ? ”

It is of course the interest of the Cretan refugees now in Greece to propagate and make the worst of the accounts of the hardships and sufferings which have necessarily happened ; and although, by dint of very strong pressure exercised in every direction and through every means, the Greek Government have succeeded in preventing any demonstrations on the part of these people during the recent festivities, and will, in all probability, equally succeed in doing so for the future, the presence of all the would-be insurgent Chiefs and Notables to the number of between 200 and 300 in this capital, and the opportunities afforded them of inflaming the animosity of the Opposition Deputies, place M. Tricoupi and his colleagues in a very serious difficulty. It must be remembered also that there are more than 3,000 refugees in and about Athens who have to be provided with food, clothing, and shelter ; and this entails a considerable charge on the Treasury. As long as no amnesty is proclaimed, these people cannot be got rid of ; and indeed a considerable mass of them will never return at all.

No. 97.

Consul Biliotti to the Marquis of Salisbury.—(Received November 12.)

My Lord, Canea, Crete, October 29, 1889.

ON the 21st instant, together with Captain Meryon, of Her Majesty's ship “ Polyphemus,” I started on a trip to the western districts, and so little did I apprehend any insecurity on the roads that my wife accompanied me.

After having visited Kissamos and part of the district of Selinos, I forwarded to your Lordship, under date of the 25th, the following telegram :—

“ There is exaggeration in the only important cases which concerned two priests. One had his arms bound and was thus conveyed to Canea, but has no complaint of ill-treatment. His cap, which was carried to him while he was still in the village prison, was stated by two witnesses to have been soiled by gendarmes on the way ; however, no stains were to be detected in it. It was alleged that the other priest was smoked while in prison in the guard-room, but there is no proof that the fire was lighted for the purpose of smoking him. There is a general feeling of discontent created by many complaints, most of which may not be of a serious character, but which are considered as such by Christians.”

The Kaimakam of Kissamos is a Christian, the Government Counsellor a Mussulman. There are two Justices of the Peace, a Christian at Kissamo Castetti, which is the seat of the Governor, and a Mussulman at Boucalies.

According to Christians, fifty of their shops have been pillaged at Castetti, and

sixty houses burnt in three villages in its immediate vicinity. All the Mussulman houses in the district of Kissamos, numbering some 350, were pillaged in the country, and about half of them burnt or destroyed. Even cut stones, door and window jambs, were carried off.

Christians complain that Mussulmans obtain the restitution of their stolen property, and that their houses should be rebuilt, but that they cannot do so.

This is true; and it is also certain that, while Christian houses are searched by the authorities for stolen property, Mussulman houses are not.

But all Mussulmans lodge claims, and find Christian witnesses, who, owing to party animosity, which is as bitter as ever, do not hesitate to give evidence against their co-religionists. Hardly any Christians hand in Petitions, and no one of them can procure Mussulman witnesses.

The abstention of Christians from claiming is based on a conviction prevailing all over the island that their so doing will lead to no result, and that they would only expose themselves to counter-claims on the part of Turks.

Beating on the part of soldiers may have terrorized, as is stated, Christians in other districts, but this measure not having been resorted to in Kissamos, and complaints against gendarmes being slight, the main cause of dissatisfaction among Christians in the district may be assigned to party feeling.

In fact, Cambouraki, the Kaïmakam, who is said to have no favourable precedents, being a Liberal, has caused some Conservatives, most of whom are still in prison, to be apprehended some two months back on political grounds.

The total number of prisoners from this district for pillage and arson among Christians is eighty, half of whom are at Canea, the remainder in the prisons at Kissamos; and there are hardly any Mussulmans in prison for the same crimes, but eight of them are in the Canea gaols under suspicion of having murdered three Christians. No claim was put forward for the three other Christians who were killed infighting during the late disturbances.

Ali Bey Hadji Hussimaki, the Government Counsellor, is accused of availing himself of his position for obtaining exaggerated indemnities from Christians for the burning of his property. It was stated to me that one Christian paid 350 piastres for a rafter; that another signed a bond for 650 piastres for a beam; and that a third was compelled, after he had returned to him his olive-crusher, to erect four arches in the factory.

Of course Ali Bey denies the accusation, which, for all I know, may be exaggerated; but, at the same time, it may happen that the Christian Kaïmakam and the Mussulman Counsellor shut their eyes at each other's shortcomings, in order to be able to carry out their private objects. However, Ali Bey is considered by Christian Conservatives as far superior in character to Cambouraki.

Christians are thus placed in a far worse position than Mussulmans. But the latter are also complaining of not obtaining the restitution of all they have lost, or an indemnity.

The best proof that there are such cases is that Mussulmans begged me to suggest to the Vali to appoint a Mixed Commission that would amicably and speedily settle all standing claims between them and Christians, which have now been transferred to the Justices of the Peace.

There are now only at Kissamo Castetti some 250 Petitions, and nearly 2,000 witnesses to be examined.

This request should be attended to, and the Kaïmakam, who is a native of Kissamos, and told me that his position is most difficult, should be transferred elsewhere.

The cases investigated by me up to the 24th were of little importance, except two which concerned priests, and were disproved, but the general feeling of discontent was more marked at Selinos than at Kissamos.

Their present grievances are ill-treatment on the part of gendarmes, and especially their being compelled to give their mules for conveying Government stores.

However, there was in the part of Selinos which I had visited up to that date an order from the Kaïmakam for paying 8 piastres a-day for each mule, which had never been done. But peasants stated that the loads were so heavy as to break the backs of their beasts of burden. In a word, that they would not give their mules even if they received 16 piastres instead of 8 piastres a-day.

I have, &c.

(Signed)

ALFRED BILLIOTTI.

Inclosure in No. 97.

Cases of Ill-treatment and Outrages, as related by the aggrieved parties to Consul Biliotti, in the Western Districts of Crete.

District of Kissamos.

Village of Polemarchi.—Vassili Charalampaki and Janni Maroulaki were struck by soldiers with the butt-end of their rifles by order of a certain Osman Soumbichaki, the former being deprived of his gun, two knives, and 2 dollars.

Village of Moulete.—Charalambo Staurataki, not obeying the order to stop of the police, who were looking for a certain Michail Coundaki, was fired at and missed, but he was struck by one of the gendarmes on being apprehended.

Village of Kamarzo.—Emmanuel Cokinaki was put and ordered to sit in a big jar holding him only in part, by one of the ancient gendarmes called Baba Hassan. He was kept in this position for about a quarter of an hour, being knocked on the head whenever he lifted his head out of the jar. The same gendarme spit him in the face, and pulled him by the beard.

Village of Voukolies.—The woodwork of the mosque was burnt, but the building itself, being a stone vault, escaped burning.

Four Christian churches were profaned in the district of Kissamos.

Village of Drapania.—Anastassi Marinaki was compelled by two soldiers to carry them over a stream.

Charalambo Papadaki was picking up snails, when the same soldiers insisted on his eating some of them raw, but they desisted on his beginning to cry.

Village of Vlatos.—The priest of this village, 65 years old, was apprehended on suspicion of having given refuge to outlaws, and was conveyed to Candanos headquarters. Next day he had his arms bound with his own sash, and was sent, together with ten other prisoners, to Canea, where, on arrival, he was handed to the Bishop. He was not beaten nor otherwise ill-treated on the road to the capital. When he was in prison at Candanos, one of his new caps having been sent to him, it was reported by the man who carried it, and by another witness, that it had been soiled by the sergeant of gendarmerie at the village of Strovles, which is on the way. However, together with M. Constantine Fumi, the Deputy of Selinos, I ascertained, in the presence of the Bishop of Kissamos and Selinos, who was in possession of the cap in question, that it had been crushed on one side with sufficient violence to cut a small hole in it, but that it had not been soiled as described.

Village of Koumeni.—After the passage of troops on the 1st instant, it was discovered by Papa Michali Cartzonaki that a small chapel at an hour and a-half's distance from the village, dedicated to St. Spiridon, and whose door was only fastened with a string, had been entered by soldiers. Four of the pictures in it were thrown in the courtyard, and three out of nine silver votive tablets, value 8s., were carried off.

I heard a few vague rumours that soldiers were asking for food, and that they were carrying off arms and clothing, which they were exchanging against money. But the only case which I have been able to identify is the confiscation of four rifles belonging to outlaws.

District of Selinos.

Observation.—All the cases mentioned hereafter of beating by soldiers took place by order of native Mussulmans who were leading patrols as Dragomans before the month of October. Complaints on this head have ceased since Commander Ibrahim Pasha made an inquiry towards the end of September last.

Village of Strovles.—Papa Efthimios, the priest of the village, related to me his case as follows:—

He was apprehended as a means of compelling his son, who had stolen Mussulman sheep, to give himself up. The gendarmes who arrested him thrust him in a dark cell, one of them striking him three times with his fist on the head. They lighted a fire with chestnut tree branches in the next room, near the door of communication, and left him alone. In order to avoid suffocation, he sat and covered his face with hands. One of the gendarmes returned some time after, compelled him to stand up, threatening to cut his beard off, to hang him, and uttering blasphemies against the religion, the Christ, the Holy Virgin. He was conveyed to Candanos, but had not his arms bound, nor was ill-treated on the way. He was sent back to Strovles,

with a letter from the Captain of gendarmerie to the sergeant at Strovles ordering him to molest no longer the priest, but he was received with fresh blasphemies. At last the sergeant was removed from that station, together with all the gendarmes but one.

A certain Giorgi Parassianaki, who was present when Papa Efthimios was relating his case, stated that he had been also imprisoned three days later in the same cell, and that a fire was lighted (which likewise produced a great deal of smoke) for the purpose of cooking. But Papa Efthimios maintained that in his case the fire was kindled for smoking him.

Next morning I proceeded, with Captain Meyron, of Her Majesty's ship "Polyphemus," to the gendarmerie station, which is nothing but a dark shepherd's hut, at one end of which there is a still darker cell, which served as prison. Papa Efthimios met us there by appointment, and pointed out to me the place where the fire was lighted. It was, by his description, at 1 foot from the fire-place, which was not raised above the ground, and was at the furthest corner of the hut. The chimney was quite dilapidated.

Nicola Iliaki's son, 15 years of age, was knocked on the head with his fist by the same sergeant.

Maria Devoga was struck by a gendarme with the butt-end of his rifle, and reviled on her refusing to give her mule for conveying Government stores.

Hrisi Tzouronopoula, refusing to give up her mule, was struck by a gendarme with the butt-end of his rifle, and three times with the halter.

Fotini Camilaki was struck with his fist by a gendarme, who besides reviled her.

Janni Tsourounaki was compelled by a gendarme, acting on his own initiative, to pay 1 lira indemnity to a certain Hussein Bakaki.

Troops looking for escaped prisoners, fired at, by mistake, and wounded on the arm, a boy 18 years old, the son of Michali Prassiaki, who was unarmed, and is now in the hospital at Canea. They then entered his house, opened his chest, and carried off his revolver and cartridges.

Soldiers stole candles and a silver votive tablet worth 1s. 7d. from a small isolated chapel, whose door was only fastened with a string.

Village of Houmariana.—Strati Cagiaki was called out of his house by three gendarmes, one of whom struck him three blows with a cudgel, and once with his rifle, while the two other gendarmes were holding him. He was then ordered to make three genuflections when he was released.

Giorgi Sclavaki was struck three times by soldiers with a pole, because he had cut down three plane trees.

Village of Stavros.—On the 9th instant Papa Emmanuel (priest) was given two blows with a stick, and his beard and hair pulled by gendarmes, for not agreeing to pay the tithe claimed from him by the tithe-farmer, Ibrahim Bekiraki.

It was stated to me that Antoni Vutzaki, who is still in prison at Canea, when arrested for arson, received five, seven, and five lashes at three different times at the hands of soldiers.

Village of Pelecano.—Kyriaco Voulinaki was imprisoned three times for having stolen a jar and caroubs, and was given fifteen blows with a twig by soldiers, one of them holding his head under his arm.

Village of Aghios Panteleimon.—While Nicola Vlutaki was working in his field, soldiers entered his house, pushed his wife, took a pistol with silver ornaments, and carried off only the latter, worth about 2l.

(Signed) ALFRED BILIOTTI.

Selinos, October 24, 1889.

No. 98.

Consul Biliotti to the Marquis of Salisbury.—(Received November 12.)

My Lord,

Canea, Crete, October 30, 1889.

I HAD the honour to wire to your Lordship from Selinos on the 26th instant that a week before about 250 Christians, consisting of most, if not all, the manifestants, outlaws, and a number of malcontents, had embarked on board a Greek steamer from Aghia Roumely, on that coast; that it was rumoured that two other steamers were expected for a like purpose on the southern coast of the districts of Rethymo and Candia; that five Deputies had managed to clandestinely embark at Canea on board the Greek mail-packet; and that the remainder of that body were only waiting for an opportunity to do the same, departures from this island being strictly prohibited.

I have ascertained since that all the manifestants and outlaws have departed, but that a certain Maldretto, formerly an officer in the gendarmerie, and of a very stirring character, has, it is said, remained on the island as a means of promoting trouble if required.

The prohibition of departing from the island only serves to create great excitement when Christians find the means of escaping, and its strict application to women as well, whether wives of politicians or not, is only giving ground to accusations of tyranny.

The incident at Campanous excepted, which is now at an end, the disposition of Christians at large in the western districts is not warlike, and they should like nothing better than to recover tranquillity and security.

As there are no more complaints against troops, if those formulated against gendarmes, and partiality towards Mussulmans, were attended to, a great step would be made towards attaining that most desirable end.

But I cannot refrain from submitting my own observations, and what I have repeatedly heard in all the districts which I have just visited, as showing that an additional measure is required in order to arrive at a complete pacification of the island.

Owing to the terror which, with or without cause, has seized all Christians; to the political prosecutions which are carried on in consequence of dilations on the part of factions; and to the clandestine departure on different occasions of twenty-seven Deputies, which is attributed to fear, no Christian feels secure, and all live in a state of apprehension as to the fate which is in store for them on the morrow.

Under these circumstances they all consider that a general amnesty is the only means of relieving them from their present untenable anxiety.

On my remarking to them that this measure would cause the return of outlaws—of whom the island is now purged—they pointed out to me that they were more dangerous when living out of than in their own island, and they thus explained to me the grounds for their opinion:—

Being deprived of the means of gaining a livelihood in Greece, these individuals, who are suffering from privation, are always ready to answer the first call of any one sending them back for ventures to their island.

Experience having taught them that an outlaw's life out of his country is far from attractive, they would avail themselves with eagerness of the opportunity of again living with their families, with the firm resolution of never exposing themselves to past hardships.

I must confess that I had never considered the question under this light, which after all may contain a great deal of truth.

I have never advocated an amnesty, nay, I was of opinion that it might be productive of much evil as endangering private property, and of little good as concerning only a few political offenders; but in the presence of the voice raised all over the island, and of the genuine hope expressed by all Christians of being relieved thereby from the mortal anxiety under which they are now labouring, there can be no doubt that a general pardon, not excluding the restitution of stolen property, would entirely calm down the prevailing excitement.

In their present mood Christians are likely to continue to emigrate, whenever they may find an opportunity for so doing.

The more Cretans will congregate at Athens, the more trouble they will give to the Hellenic Government, which might be finally compelled by public opinion, if not to interfere directly, at least not to oppose any scheme for annexation, and should a number of cases of cartridges be landed on the island, nothing could prevent an insurrectionary movement from taking place.

I have, &c.
(Signed) ALFRED BILIOTTI.

No. 99.

Consul Biliotti to the Marquis of Salisbury.—(Received November 12.)

My Lord,

Canea, Crete, October 30, 1889.

IN continuation of my telegram of the 25th instant, I had the honour to wire again from Selinos to your Lordship on the 27th as follows:—

“As I approach the centre of the district of Selinos, I am met with more frequent

and more serious complaints. The Mussulmans are said to be treated with partiality; the Christians are badly used; they have to supply mules for the transport of Government stores, and they are made to carry loads on their shoulders, besides having to convey heavy timber for the repair of a block-house. The Christians are so exasperated that they talk of taking refuge in the mountains. I believe that the Kaïmakam, who is a Mussulman, has acted without orders from the Vali; when I spoke to him, he at once changed his line of conduct. The Christians are now satisfied, and have ceased to use desperate language."

Candanos is the seat of a Mussulman Kaïmakam, of a Christian Government Counsellor, and of a Christian Justice of the Peace, the only one in the district of Selinos.

In the second fortnight of September last native Mussulmans, acting as Dragomans, guided soldiers for searching for stolen property in Christians' houses, and caused numbers of their inmates to be more or less beaten. This brutal treatment exasperated, and at the same time terrorized, Christians, many of whom fled from their houses, but have returned since.

Ibrahim Pasha, the Military Commander of Canea, of whose mission Christians speak in favourable terms, having made an inquiry towards the end of that month, and put a stop to the abuse, there are no more complaints against the troops on the part of Christians. The only one which I have heard of recent date is that soldiers are supposed to have stolen eleven sheep; that they referred the matter to the commanding officer, and that he answered that troops were incapable of committing such an act.

But Christians cannot pardon their Mussulman countrymen the humiliation they inflicted upon them, and are likely to avenge themselves at an opportune moment.

They complain at present of the treatment they receive at the hands of the foreign gendarmes, a question which should attract the special and serious attention of the higher authorities, if they wish to avoid complications.

They are very bitter against the Kaïmakam, who appears to have done all in his power to exasperate them.

Contrary to what was practised in other districts, he refused to receive Petitions written in Greek, and investigated himself all the cases concerning the late disorders instead of handing them to the Justice of the Peace.

The only Turkish scribe in Candanos, a native of that district refused, it is said, to write out Petitions when his relatives or friends were accused, and, in one case, which was proved, he quite altered the meaning of the petitioner.

Christians accuse the Kaïmakam of having hitherto imprisoned for pillage and arson upwards of 150 Christians, but not a single Mussulman; and that the murderers of three Christians were released after an imprisonment of only twenty days in the prison of Candanos.

It would appear that, while nearly all the claims of Mussulmans have been settled, not a single Christian action for damages has obtained a solution.

Party feeling having nearly disappeared among the latter, beating seems to have been resorted to by native Mussulmans as a means of obtaining confession or evidence, which it is not in the power of Christians to use on their behalf.

Nearly all the Christian houses pillaged and burnt are within a radius of a quarter of an hour from the residence of the Kaïmakam, who, besides being an eye-witness, is said to have kept a nominal list of the Mussulmans who committed arson, and who pillaged, but which he keeps secret.

The number of Christian houses burnt is 28, that of Mussulmans 45. Pillaged, 16 Christian, 132 Mussulman. Corn on 260 thrashing-floors was collected by Christians, and on 50 by Mussulmans.

But that which exasperated Christians to the point of their speaking of nothing less than to flee to the mountains is the forced labour imposed upon them, and on Mussulmans as well, of conveying Government stores, and, above all, building materials, not only with their mules but also on their shoulders, and heavy timber for constructing a block-house which is to protect Mussulmans against Christians. Some of the rafters measure 5 fathoms, and have to be carried by eight men for eight hours, two of which on a very steep slope.

While in one of the three subdivisions of Selinos orders have been given to pay 8 piastres a-day for each mule, no such notice has been given in the two other subdivisions.

On one occasion Riza Bey, the Kaïmakam, invited all the Notables to repair to Candanos in order to discuss the question of the tithe. On their arrival they were

surrounded by troops, and 110 mules taken to carry Government stores. A certain Antoni Cassolaki, who was wounded and had gone to Candanos to consult the Military Surgeon, was likewise deprived of his beast.

A few days before my arrival the Kaïmakam had issued a Proclamation to the inhabitants of the subdivision of Cambanous that if on a certain day they did not bring in their mules, or come themselves in order to carry timber on their shoulders, he would compel them to do so with an armed force. This order having filled up the measure of exasperation, they answered that if he carried out his threat the troops would be fired at.

I reached Candanos at this stage, and called at once on Riza Bey, whom I knew long ago.

I plainly told him all I had heard, and that the general outlook of affairs in his district was far from satisfactory.

He stated with regard to Petitions being written in Turkish that it was done in order to enable the court-martial, if necessary, to take cognizance of the case, but he acknowledged that the task of investigating cases by himself was beyond his powers.

Having expressed my surprise at his following on these two points a quite different line than that practised in other districts, he ended by acknowledging that there was a Circular, which he would again consult. In fact, next morning he handed over to the Justice of the Peace all papers concerning pillage and arson; he allowed Christians to send in their Petition in Greek, and a few Christians, whose cases were examined that very day, were released from prison altogether or on bail.

This modification in the procedure followed up to that time immediately calmed down the prevailing exasperation.

With regard to forced labour, he said that he had merely invited Christians to convey Government stores and timber, and that they had willingly responded to his call.

However, I had in my pocket a copy of his Proclamation to the inhabitants of Cambanous, an original of which I procured next day.

All these circumstances convinced me that Riza Bey was acting without instructions from the Vali. Such was also the opinion of Christians, who, whatever may have been said to the contrary, have full faith in Shakir Pasha, but not on those surrounding him, and complain of having no means of directly communicating with his Excellency.

Cambanous, one of the three subdivisions of Selinos, consists of twenty villages, situated on the western slopes leading to the elevated Plain of Omalos, the rendezvous of all insurgents, and their inhabitants are always the first to move.

The inconsiderate conduct of Riza Bey on all points might have caused an insurrectionary movement which was not brought about by all passed incidents.

The inhabitants of Cambanous have nothing to do with the burning of houses.

They have returned all the Mussulman property stolen from the few houses in their villages, and are not prosecuted, but they are as excited as other Christians with regard to the partiality shown to Mussulmans in the settlement of their claims against their co-religionists, the more so that it is owing to Christians in Selinos having been able to maintain tranquillity in their district up to a certain moment that more serious complications are not to be deplored on the island.

They plainly told me that if the state of things complained of had lasted a few days more they would certainly have fled to the mountains.

I have, &c.

(Signed) ALFRED BILIOTTI.

Inclosure in No. 99.

Cases of Ill-treatment and Outrages, as related by the aggrieved parties to Consul Biliotti, in the Western Districts of Crete.

District of Selinos—(continuation).

Village of Catjiveliiana.—Towards the middle of September last some thirty soldiers entered the house of Anognosti Fiotaki, confiscated his rifle, struck three women, one of whom 80 years old, and apprehended Dimitri and Karalambo Fiotaki. They bound their

arms and conveyed them to the police station, where they were so much beaten that Dimitri was unable to sit for twenty days after. They were then conveyed to the village of Sarakina, both with arms bound, Dimitri also by the neck and fastened to the tail of a horse. The latter was thus marched to Candanos, a distance of three hours, and from thence sent to Canca. Karalambo was kept nine days in prison at Sarakina, and during that lapse of time was given forty-five blows with a cudgel.

Stelianos Perakis, being unwell and unable to walk at an accelerated pace, was struck with the butt-ends of rifles by the soldiers who were conveying him to the station of gendarmerie.

Village of Plumiliana.—Mandi Foundoulaki left Ahmed Yacoumdi in charge of his house, and was robbed by him of the provisions in it. Having handed in a Petition which the Kaïmakam refused to accept as it was written in Greek, he drew one in Turkish on the 7th ultimo, which led to no result. However, Yacoumdi, of his own free will, returned to him a little olive oil. Having been arrested himself for carrying arms while tending his flock, he was imprisoned at Candanos, where he remained forty-eight hours. During that time they kept him standing up, and supplied him only twice with a very moderate ration of water. He had bread, but was not allowed to eat it; and whenever he was allowed to walk out of prison to satisfy a natural want soldiers were striking him with the butt-ends of their rifles. In the prison, Ousta Salis and Ahmed Moustafa Terejaki, prisoners like himself, beat him with pieces of rope which were laid at the prison door by the guards.

Janni Archoutaki was struck with the butt-end of a rifle by a gendarme for refusing to give up his mule.

Georgi Sarghetaki (a Rachitie) was severely beaten by soldiers in order to denounce the spot where was concealed Mussulman stolen property.

Village of Vliithia.—Nicola Tsiskaki, 80 years old, was given thirteen blows with a twig in order to give evidence on stolen property.

Eleftherios Dosakis received three and five lashes for not giving up stolen property in his possession.

Nicola Mavrigenaki, who was suffering from a contusion consequent on his having fallen from a tree, was given six blows with a cudgel for refusing to call his brother-in-law who was absent from home.

Stavras Theothorantonakis, who had been apprehended by soldiers, having retired to satisfy Nature, was given twenty-two blows with a stick, the soldiers guarding him having thought that he was attempting to escape.

Jossif Patsifiakis was given ten blows with a cudgel in consequence of his having stolen Mussulman property.

Christos Bolierskis, for the same motive, was beaten during three consecutive days at the rate of fifteen blows per day.

Antoni Macrigenaki received fifteen lashes for an identic motive.

Village of Sarakina.—Panajotibestaki was imprisoned for sixteen days for theft, during the seven first of which he was given each day ten blows with a twig by order of Ibrahim Bekiraki.

Georgi Sakialaki, 65 years old, whose son was murdered by native Mussulmans, was struck twice with his own stick by gendarmes.

The following individuals from the same village who had stolen Mussulman property were likewise beaten by soldiers acting under the orders of Ibrahim Bekiraki, each receiving the number of lashes against his name:—

	Lashes.
Emmanuel Coumadaraki	4
Janni Coumadaraki	3
Giorgis Coumadaraki (10 years old)	6
Jannis Papantoyannakis	10
Markas Spanakis	7
Nicolas Manalakis	6
Georgios Manalakis	2
Anghelis Manalakis	2
Dimitrios Manalakis	2
Antonis Castrinakis	2
Andreas Castrinakis	3
Giorgis Gavrilakis	10
Giorgis Sirakakis	10

Village of Copeto.—Janni Manolakaki was given nine blows with a cudgel by gendarmes as he was collecting chestnuts without having obtained the necessary tithe ticket.

Village of Cadro.—Ibrahim Caouraki, accompanied by soldiers, broke open the

door of Manoussena Calogridena's house, and carried off Mussulman property stolen in 1877, together with other articles belonging to herself, and representing a value of 300 piastres. On a second visit the same Mussulman took possession of rafters worth 100 piastres.

Coumnis Malandrakis having been accused by Mourad Caouraki of wearing a silk sash belonging to a Mussulman whom he had killed in 1877, he was apprehended by soldiers, who bound him and gave him on three different occasions twenty-four, four, and five blows with a cudgel.

Mihalis Sfikiolakis received twenty-four lashes by soldiers, under suspicion of theft.

Arghiri Calagheropoula was struck once with a stick and was given a slap in the face by gendarmes, for stolen property.

Mihail Sfinarolaki, a shepherd, having been met by a party of soldiers, was apprehended and given ten blows with a cudgel. On his attempting to run away he was fired at, but missed.

Village of Azogire.—Georgi Criaraki and Giorgios Draco Markelakis, apprehended for theft, were imprisoned in a water-closet, then they were taken hold of by the head and feet by soldiers and given ten blows each with a stick. They were subsequently pushed in the same water-closet, where they remained twelve hours.

Georgi Venski was accused of having stolen sheep a year since, was given ten blows with a cudgel, and, at the verbal request of Hussein Caouraki and Ahmed Loukaki, gendarmes sold his flock, worth 2,000 piastres, to indemnify them.

Emmanuil Papadoyannaki, together with Theohari Marketaki and Constantine Criaroki, thrashed Hussein Caouraki's corn, but the quantity of okes—250—handed to him having appeared to him too small, he came with fifteen soldiers, arrested the three Christians, and during five days he caused them to receive each five, ten, seven, ten, and three lashes. At last, Theohari said that justly or wrongly he would pay, and instead of 250 okes he gave 600 okes.

Village of Candanos.—Costandis Calakis was kept in prison for twenty days, and received six lashes daily until his son gave back a mare which he had lifted.

Village of Stratous.—Georgi Sifaki was given fifteen blows with a cudgel, Mihail Morougakis ten, two brothers Toulaki seven each, and Hadji Maris seven, for having stolen corn belonging to Mussulmans, which they returned.

Manoussos Adiamantakis, a servant of Pantelli Toulaki, was imprisoned and beaten three times until he fainted. This was done by soldiers under the order of Hussein Caouraki for the purpose of obtaining information.

Village of Tsissiana.—Mihail Sappadakis received ten blows with a cudgel in order to compel him to give information as to the whereabouts of a Christian young lady, who had been carried off and ravished by a Christian, and who was ultimately rescued by soldiers.

Village of Prodromi.—[?] was beaten by soldiers for carrying a gun. He was imprisoned, and when there received in the chest a blow with the butt-end of a rifle, from which he is still suffering.

(Signed) ALFRED BILIOTTI.

Selinos, October 27, 1889.

No. 100.

Consul Biliotti to the Marquis of Salisbury.—(Received November 12, 11 A.M.)

(Telegraphic.)

Canea, Crete, November 12, 1889, 9:50 A.M.

IN my despatch of the 30th ultimo I referred to the possibility of granting a general pardon.

Yesterday I submitted to the Vali that an amnesty, not excluding the restitution of stolen property, and limited to Cretans on the island, would relieve Christians from the state of anxiety in which they are now living.

Sir E. Monson to the Marquis of Salisbury.—(Received by telegraph, November 12.)

(Extract.)

Athens, November 12, 1889.

AT the sitting of the Chamber yesterday M. Delyanni brought forward his interpellation on the affairs of Crete, and the policy of the Hellenic Government in regard to them.

In reply, M. Tricoupi made a speech of more than an hour's duration.

Several of my colleagues attended the sitting, and from two of them, the Ministers of Germany and of Austria-Hungary, I heard this evening their impressions of the Prime Minister's harangue, derived, however, chiefly from the explanations of friends who were present and interpreted M. Tricoupi's words as he went on.

The salient points of M. Tricoupi's speech were these.

He said that from the outset he had warned the Cretans that the moment was most inopportune for raising a question which is so intimately connected with Hellenic interests in general that it cannot be treated independently of those interests. He developed this theme at considerable length, in the sense that it is inexpedient to take up isolated questions and to ignore the fact that "Hellenism" concerns a large number of persons living out of Greece, and that, to effect anything in their behalf, the situation must be regarded comprehensively.

His Excellency, in alluding to the conduct of the Great Powers during the recent emergency, said that they had shown themselves indifferent alike to the dictates of humanity and to their international obligations under Treaty. He argued that Greece had also international rights under the Treaty of Berlin, for that, although no Representative of hers had signed the Treaty, it was understood that the small Powers of Europe were represented by the Signatory Powers, and their interests secured in this manner.

With regard to the relations between Greece and Turkey, M. Tricoupi said that the policy of the former had been to cultivate a good understanding between the two countries, a policy which the Hellenic Government regarded as the most beneficial to the interests of Greece. That every effort had been made for this end, but that Turkey had rejected all overtures, and that an opposite policy would now have to be followed. It was, however, essential that the Government should have absolute liberty of action in respect of time and method in regard to the execution of this policy. Meanwhile, financial aid would be required to perfect the necessary naval and military preparations. M. Tricoupi laid great and repeated stress upon the fact that implicit confidence on all these points must be reposed in the Government, and that the latter must not be in any way hampered by the interference of the Chamber. He refused to communicate any of the correspondence relating to the Cretan question.

His Excellency was cordially applauded at the conclusion of his speech.

The debate is not yet over, but there can be little doubt of its resulting in a vote of confidence in the Government.

Sir R. Morier to the Marquis of Salisbury.—(Received November 14, 8 A.M.)

(Telegraphic.)

St. Petersburg, November 13, 1889.

NO official notification has yet reached M. de Giers with regard to the issue of an amnesty Firman, but Russian Consul at Candia telegraphs that Shakir Pasha's announcement that an amnesty would shortly be granted has had a good effect, and that the whole situation has suddenly changed for the better.

Sir W. White to the Marquis of Salisbury.—(Received November 14.)

My Lord,

Constantinople, November 14, 1889.

I HAVE the honour to report, with reference to Mr. Consul Biliotti's telegram to your Lordship of the 12th instant, that I understand that the grant of a partial amnesty in Crete is at present under consideration, and will, in all probability, before

long receive the sanction of His Imperial Majesty the Sultan, as recommended by Shakir Pasha.

I have sent the above information to Her Majesty's Minister at Athens and Consul in Crete.

I have, &c.
(Signed) W. A. WHITE.

No. 104.

Sir E. Monson to the Marquis of Salisbury.—(Received November 14.)

My Lord, Athens, November 14, 1889.
THE Chamber of Deputies resumed this afternoon the debate on M. Delyanni's interpellation on the affairs of Crete; and, after a few unimportant speeches from two or three members of the Opposition, M. Delyanni made a short reply to M. Tricoupi's attack on the policy pursued by him in 1886; and concluded by advising the House to adjourn the debate until the arrival of the English Blue Book the appearance of which was notified, by telegraph, from London yesterday.

The House, however, did not follow his advice, and a division was taken at about 9 o'clock this evening on the following motion:—

“The Chamber expressing its confidence in the Government passes to the order of the day.”

This Resolution was voted by seventy-two to fifty-four. The four Ministers took no part in the division.

The Government calculate that, besides the Ministerialists present, they can reckon upon the support of eleven Deputies who were absent; and that the Opposition can do the same with regard to seven others. So that the respective strength of the two parties in the Chamber, including the members of the Government, stands at eighty-seven Ministerialists to sixty-one Opposition.

It is believed that a fresh debate will be raised on the Cretan question as soon as the Blue Book arrives here.

I have, &c.
(Signed) EDMUND MONSON.

No. 105.

Sir R. Morier to the Marquis of Salisbury.—(Received November 17.)

My Lord, St. Petersburg, November 13, 1889.
AS I had the honour to state in my despatch of the 16th ultimo, M. de Giers had admitted that he had instructed M. de Nélidoff to work in the direction of an amnesty in Crete, and he has so constantly spoken both to myself and some of my colleagues to the effect that the time had come for a measure in this sense that I certainly conceived that some stronger step would be taken at Constantinople than that which I had adumbrated in my above-mentioned despatch. I, therefore, felt great curiosity, when I went to M. de Giers to-day, to learn what truth there was in yesterday's telegram, to the effect that the Sultan had notified to the Representatives of the foreign Powers and to Greece that a plenary amnesty had been accorded to the Cretans.

To my inquiry, M. de Giers replied that he had not as yet received a confirmation of these glad tidings from Constantinople, but that he had, three days ago, received a telegram from the Russian Consul in Crete, which had given him the very greatest satisfaction, and which seemed to corroborate the fact that an amnesty had been, or was immediately about to be, granted. M. Niagha, as I was well aware, was not an optimist. His telegrams till now had reported everything in the most discouraging colours; but this last telegram was exuberantly the reverse. It stated that Shakir Pasha had announced that an amnesty was to be immediately proclaimed, and that the universal rejoicing which this had caused had entirely changed the situation, which now appeared a very hopeful one.

I asked his Excellency whether this was the result of any fresh instructions of a more drastic kind which he had sent to M. Nélidoff, for a report had reached me from Athens that M. de Bützoff had announced some such step as impending, with the

belief that it would succeed. I did not gather from his Excellency's reply that any formal step in this direction had been taken, though he left no doubt in my mind that the Russian Ambassador had received instructions to act in this sense if the opportunity offered. His Excellency added, however, "I never recommended a general amnesty, but only such a one as could be safely and reasonably granted." It was not so much at Constantinople, his Excellency continued, as through the new Turkish Ambassador here, that he had worked the question. He had broached it in his first interview with Husni Pasha, who had assured him that the Sultan was quite ready to entertain the idea, and that His Imperial Majesty, being of a very humane character and averse to bloodshed and strong measures, was most desirous to see this present insurrection brought to a close in a merciful manner. I understood further that his Excellency had, within the last few days, had further communications with my Turkish colleague, which had given him strong hopes that the amnesty was impending. From Athens he had learnt that they were grateful to Russia for her endeavours, but that they did not believe that these efforts would be successful and an amnesty be granted.

I have, &c.

(Signed) R. B. D. MORIER.

No. 106.

Consul Biliotti to the Marquis of Salisbury.—(Received November 19.)

My Lord,

Canea, Crete, October 31, 1889.

ON my return here I forwarded to your Lordship a telegram thus worded:—

"An attempt at rape on a Christian woman by soldiers, which was alleged to have taken place in the village of Lakkos, district of Canea, is unfounded. However, in the village of Loutraki there has been a very cruel case of oppression and beating by four gendarmes, who acted under the order of a Mussulman Bey, of five Christians, one of whom is a boy 11 years old.

"Although quiet, Christians also complain of not obtaining justice in their claims against Mussulmans, and likewise labour under a strong feeling of anxiety. Several Deputies clandestinely embarked from this district for Greece. I succinctly explained to Shakir Pasha, in a long interview which I had with him, the state of things. His Excellency, who intends to visit the western districts, has assured me that timber was to be carried only by Mussulmans, who had volunteered to do so, and that he would see to Christians being exonerated from further forced labour. Cases of complaints against the gendarmerie are to be examined by the Colonel of Gendarmerie, who is to accompany his Excellency. Great evil arises out of too much zeal on the part of subordinate Mussulman officials; and the Vali, who agreed with me on the subject, will endeavour to calm it down. Having suggested the appointment of Mixed Commissions for the amicable settlement of claims between Christians and Mussulmans, the Vali thanked me, as it is a means of reducing complaints against the Government.

"The district of Cydonia is, in fact, that of Canea proper. There is a Christian Kaïmakam, a Mussulman Government Counsellor, and two Justices of the Peace—one Christian at Alikianou, which is the seat of the Government, and one at Halepa."

I beg to inclose a statement of the cases investigated by me in this district.

The losses of Christians at Kissamos and Selinos are nothing as compared to those in Cydonia, especially in its eastern subdivision, that is the immediate vicinity of the town of Canea.

The reverse is the case with Mussulmans. According to Christian computation, some 40 churches were profaned, and about 400 houses were burnt, 250 of which in the eastern subdivision, several of which were of a better style, and better furnished than ordinary country houses.

Such was especially the case at Galata, a village of 200 houses, which had to be abandoned in a hurry with all their furniture, provisions, and stores. Only 18 houses were burnt, among which that of M. Cassimati, my Dragoman and Clerk; but it is reckoned that the value of the stolen property amounts to no less than 10,000 liras.

This village has suffered more than all others in more than one respect. Its 10 churches (which are included in the forementioned 40) were profaned, all their contents wrecked, and the family vaults round them, some 50, opened, and the mortal remains they contained thrown out. On their return the inhabitants found that

remains of human corpses had been thrown in 50 of their water-tanks. However, the village was guarded by soldiers all the time.

Twelve tombs were profaned in the village of Tsicalargia, and 25 in that of Perivolia, the corpses in three of which are said not to have been consumed, and to have served as food to dogs (by native Mussulmans).

Three monasteries which are in the plain of Canea, and in which the inhabitants of the surrounding villages heaped most of their movables and victuals, having been protected by troops, Christian losses in these localities are comparatively insignificant.

Turkish houses up to an hour distance from the town, many of which are fine buildings, are intact. Beyond that, all (say 350) are burnt or destroyed. There are among them some costly constructions.

The only three mosques which were in this district were burnt inside or destroyed, and the minaret of one pulled down.

After the proclamation of the state of siege a period was fixed for the restitution of stolen property, and, in order to restrict unfounded actions, the principle was established that accusations not proved would be punished.

But this principle was not applied in the country, where Mussulmans had most suffered, as soldiers, headed by native Mussulmans, searched Christian houses.

In the vicinity of the town, where Christians sustained heavy losses, this principle was strictly adhered to. The consequence is that the former have recovered most of their stolen property, and the second only what Mussulmans condescended to return to them in objects of little value, such as doors, windows, chairs, tables, and the like, more or less broken or damaged.

In one or two houses where Christians have managed to obtain an entrance they found objects of value, but the principle of punishment in case of failure to detect stolen property prevents them from applying for domiciliary visits, for, although they have no doubt as to the culpability of parties, the spoils may have been concealed elsewhere. The inhabitants of Galata have discovered buried in the sea-shore sands articles belonging to them for a value of 200*l*.

These facts give grounds of complaints to Christians, who consider that their claims are not treated with an equal justice as those of Mussulmans.

On my return here I hastened to call on Shakir Pasha, who, on hearing vague rumours of great discontent at Selinos, had made up his mind to visit that district. I succinctly explained to the Vali the state of things in the three districts which I had visited.

His Excellency stated to me that he had accepted an offer made by the Mussulmans of Selinos to carry the building material for the construction of a block-house, but that he never dreamt of compelling Christians to help in that labour.

After I had translated and handed to him the original Proclamation of the Kaïmakam of Selinos, Shakir Pasha told me that he was going to give orders exonerating Christians from this forced labour, and he did so.

The Vali further informed me that he was to be accompanied in his trip by the Colonel of Gendarmerie, in order to inspect gendarmes in the country, against whom he had heard himself unfavourable reports.

With regard to Christian complaints concerning stolen property, Shakir Pasha stated that any small object discovered in the possession of a Mussulman entitled the Christian owner to make a thorough search without liability of punishment, even if no further articles were discovered, and that the principle established had only for object to prevent calumnious accusations, and consequent protracted litigation.

Having hinted that great evil accrued out of too much zeal on the part of some subordinate Mussulman officials, his Excellency replied that I had hit the point. But, surrounded as he is with functionaries who appear to have a marked partiality towards their co-religionists, it is doubtful whether, with the best instructions on his part, he can succeed to calm down this zeal.

Shakir Pasha thanked me for having suggested to him to appoint Mixed Commissions for the settlement in an amicable way of mutual claims of Christians and Mussulmans.

This measure appears to be calculated to limit complaints against the Government by obtaining for Christians the restitution of their stolen property, a result at which they cannot arrive under the existing system according to their statement.

I have, &c.

(Signed) ALFRED BILIOTTI.

Inclosure in No. 106.

Cases of Ill-treatment and Outrages, as reported by the aggrieved parties, or on their behalf, in the Western Districts of Crete.

District of Cydonia (Canea).

Village of Lakkos.—When on the 9th instant an expeditionary corps crossed the elevated plain of Omalos, some soldiers entered through a hole which they cut in the roof in Papa Manoli's house, carried off whatever they found in it, and trampled under foot his sacerdotal vestments as well as the church books.

Vassiliko Mantaki (sister of Mr. Januaris, my former Clerk), together with Cazaloustidena and Blevledanagnostona, were conveying a mule loaded with olives, when ten soldiers, who were sitting on a height close to and in view of the village, at forty steps from whom they passed, called them to go near them. These women, being frightened, ran to the village, abandoning the mule. Vassiliko, the only one with whom I spoke, as the two other women were absent from the village, stated that two of the soldiers ran after them for about ten minutes, without, however, ever closing with them, and that one of the soldiers had unbuttoned his trousers at a distance. I visited the spot with Vassili Bolanaki, the Christian Primate of the village, who considers himself that there is nothing at the bottom but a great fright on the part of the women. In fact, as they were ascending the height on which were sitting the soldiers, nothing would have been easier for them than to catch the women if they entertained any real intention against them.

Ilaritos Capsalakis, a shepherd from this village, was arrested in the vicinity of Aghia, under suspicion of being one of the murderers of the six soldiers of Aghia Fort. It was rumoured that on his being arrested by soldiers, besides being beaten, he was made to sit, during nine hours, with his face against the sun, a bayonet being fixed under his chin so as to prevent him from moving, and that he was led by the same soldiers on the spot where the murders had taken place, where they wanted to immolate him on the tombs of their brethren in arms. I made inquiries all along the road, and, although the same story was repeated to me, and many had seen him beaten, I could meet nowhere a single eye-witness of either of the two last-mentioned outrages.

Village of Alikianou.—Nicola Kamarakis, who is alleged to have carried over two streams thirty soldiers conveying him to prison, having absconded after his release, I was unable to meet him. But the Christian Chief, Maraca Anastassaki, who is his neighbour, told me that Nicola himself had assured him that nothing of the kind ever took place. Hamid Sakaki made to me an identic statement.

Village of Loutraki.—Hussein Bey Batraki, whose house of a value of 1,000*l.* was pillaged and burnt, and who is a Judge to the Tribunal of First Instance at Canea, repaired to the village on or about the 20th September, and remained there about a month for recovering his stolen property. The principal witnesses having been called to give evidence in their case, which is investigated at Alikianou, and most of the other inhabitants of the village having absconded, it is said from fear, Vardi Stavroudaki made to me the following statement:—

Hussein Bey arrived in the village accompanied by four gendarmes, who, by his order, broke open the doors of all Christian houses, striking right and left their inmates, and made a search for stolen property, the Bey cursing all the time the Christian religion. He caused all those in whose possession he found articles belonging to him to be imprisoned in a vault which had been spared by the flames on his premises, keeping them for twenty-four hours without bread and water, and not allowing them to get out of their place of confinement for the purpose of satisfying natural wants. The prisoners were under the necessity of soiling their linen, and one of them, Panazot's Pananoudakis, who dared to transgress orders, was made to carry with his hands the filth out of the vault. The Bey is said to have thus managed to recover most of his stolen property.

The following individuals were the special object of his revenge, viz., Costandi Hazoudaki, Stetiano, and Panozati Pananodaki, as well as Nicola Philepothodoraki, a boy 11 years of age. They were mercilessly beaten, the first so severely that he was unable to move his arm for a fortnight, and the third to such an extent that he has not yet recovered the use of his hand. As to the boy, during his twenty-four hours of imprisonment he was bastinadoed every two or three hours until he fainted. Towards

the 12th instant Antoni Pananodaki addressed a Petition to Shakir Pasha, but as no immediate result was obtained, he handed in a second Petition to his Excellency, in consequence of which an inquest is held by the Justice of the Peace at Alikianou. So far as I have been able to find out from the Kaimakam of that place, the outrage appears to have already been partly proved.

On my return here I called the attention of his Excellency Shakir Pasha to this cruel case. On his hearing that I had spoken to the Vali, Hussein Bay, with whom I was not acquainted, called upon me and assured me that the outrages attributed to him were pure inventions. The investigation that takes place will prove the truth.

Village of Mournies.—On the departure three days since of troops stationed there, one gendarme accompanying them was seen carrying fragments of church pictures. George Macrogakis having made an observation on the subject, the fragments were thrown on the road, and he was arrested and his arms bound. But on hearing of his being a Greek subject he was unbound and thus conveyed to prison. These pictures belonged to a small chapel at ten minutes' walk from the village Aghia Varvara, which I visited. The woodwork supporting the pictures was partly broken.

(Signed) ALFRED BILIOTTI.

Canea, October 29, 1889.

No. 107.

Sir E. Monson to the Marquis of Salisbury.—(Received November 19.)

My Lord,

Athens, November 13, 1889.

IN my despatch of yesterday's date I made a few brief comments upon the tenour of M. Tricoupi's statement, made in the Chamber the previous day, respecting the foreign policy of the Government in connection with recent occurrences in Crete.

I purpose to give your Lordship succinctly in the present despatch a summary of what I conceive to have been the import of his reasoning.

The basis of this reasoning appears to be, in short, that for Greeks it is a mistake talk of a "Cretan question" at all. The destinies of Crete are bound up with the future of what, to use M. Tricoupi's concise expression, it is best to call "Hellenism," and this Hellenism is for every Greek, whether a subject of King George, or domiciled in and amenable to the laws of a foreign country, the absorbing element in the determination of the Eastern question.

The really patriotic and clear-sighted Greek must not, argues M. Tricoupi, put out of view the abnormal condition of the whole of the Hellenic race. In considering the present condition of affairs in Crete, he is not to concern himself only with the restoration of the *status quo ante*. It is true that it is desirable to revert as soon as possible to that *status*, and for this end the Government has continually worked. But the re-establishment of the Organic Law by which Crete has recently been administered is not the chief object which the Government has in view, although eminently desirable as a means for preventing a premature development of the aspirations of Hellenes.

What M. Tricoupi considers the true policy of the Greek Government, and that in which they should be supported by all patriotic Hellenes, is an acquiescence in existing circumstances as guaranteed by international obligations, until the opportune moment arrives when action can be taken for comprehensive Hellenic interests. (Parenthetically he attacks M. Delyanni for his precipitate action in 1886, which cost the country a heavy sum of money, frittered away in useless and badly conceived demonstrations, and placed Greece in a ridiculous position before Europe.) Not only must Greece acquiesce in the present condition of affairs, but she must make the best use of the interval thus afforded her for preparation. And the essence of this preparation is the careful adjustment of her finances, by which provision can be made for the perfecting of her naval and military equipment. The Opposition have, during the last Session, thrown every impediment in the way of this policy, by endeavouring to upset the Government on financial questions, and rendering any expenditure upon warlike preparations impossible. It is the Opposition then that is careless of the sufferings of those Greeks who are living under a foreign yoke; for by refusing to concur in the financial measures of the Government, they deprive the latter of all means of acting on behalf, not only of the Cretans, but of Hellenic interests in general.

Fortunately, however, the financial condition of this country is, notwithstanding the attacks of the Opposition, daily ameliorating, and the Government is able to pursue its policy of preparation. Meanwhile, it is; in the affairs of Crete, brought face to

face with the question, What is its duty towards Hellenes thus situated? In logical pursuance of the principles of policy before enunciated, the answer is obvious. To use every endeavour to persuade the Cretans to facilitate the restoration of the *status quo ante*. This is what has been done in the most direct manner through the intermediary of the Greek Consul-General in Crete, M. Gryparis. The Government, as it represents the nation, must [*? insist*] that to it alone the Cretans should address themselves, and that they should listen to no counsels from elsewhere. The Government alone is in possession of such information as can form the basis of good advice, and the Cretans and all Hellenes, at home and abroad, should accept such advice as having the importance of a command. The Government alone is in a position to decide upon the moment and the method of action, and it must reserve to itself full liberty in this direction, and insist upon the confidence of the Chamber and the country on this head.

M. Tricoupi lays stress upon the fact that it was in the general interests of Hellenism that the Government, through its Agent, M. Gryparis, urged upon the Cretans the expediency, or rather the duty, of affording the Turks no pretext for proceeding to extremities. Although he does not say so, this is, of course, his answer to the accusation that he had betrayed the Hellenic cause by counselling submission and then leaving the islanders to the brutality of the Mussulman authorities and troops.

The general policy then of Greece, as understood and pursued by M. Tricoupi and his colleagues, assumes as a necessity that peace should be maintained in Crete, and to effect this object every means has been employed. When the Government became convinced that the submissive attitude of the Cretans would not save them from the vindictive persecutions of the Mussulmans, it appealed to Europe to interfere on the double grounds of humanity and of international obligation. The Government believed that Europe would interfere, but hinted at the same time that if she did not, Greece would be compelled, against her own wish, and at a great cost and risk to herself, to do so single-handed. And the Government was fully determined to act, in spite of the conviction that, unprepared as Greece is, such an interference might result in a terrible catastrophe, not only for Crete, but for Hellenic interests in general. Not only on the score of humanity would she have been bound to act, but on the grounds of international right also, as having been implicitly represented by the Signatory Powers at the Berlin Conference; the Treaty which was the result of that Conference being now openly violated by the Turks. The situation, however, became in some degree modified; the Porte awoke to the conviction that the attention of Europe was aroused, and milder counsels seemed to be in the ascendant at Constantinople. Consequently, not only did Greece not take action as a nation, but the Government deprecated, and did all in its power to dissuade private individuals from, any forwarding of munitions of war to the Cretans.

The Government has all along been desirous of maintaining good relations with Turkey, and has ever shown its disposition to enter into intimate friendship with her. But Turkey, far from showing any reciprocal inclination, has patently manifested her indifference, and even her repugnance. It is a misfortune that this should be the case, for Hellenic interests would be advanced by a good understanding with Turkey; but, as the latter repels all advances of an amicable nature, the Government must reserve to itself full liberty to pursue a very different policy. It must insist, in the interests of this policy, that the Chamber and the country give it their full confidence; and leave to it the ultimate decision as to when and how material action is to be taken.

There seems to be a general consensus of opinion that M. Tricoupi's speech was delivered with great clearness and force, as well as with all the eloquence for which he is remarkable.

I shall send a copy of this despatch to Constantinople.

I have, &c.

(Signed)

EDMUND MONSON.

No. 108.

Sir E. Monson to the Marquis of Salisbury.—(Received November 19.)

(Extract.)

Athens, November 13, 1889.

FIVE HUNDRED Cretan refugees have, within the last few days, embarked at the Piræus in Greek steamers on their return to the island.

Sir W. White to the Marquis of Salisbury.—(Received November 20.)

My Lord,

Constantinople, November 16, 1889.

WITH reference to my despatch of the 5th instant, I have the honour to transmit herewith a copy of a despatch from the Commander-in-chief inclosing a copy of a telegram* addressed to me by him as well as copy of a Report by Commander Meryon, of Her Majesty's ship "Polyphemus," of his recent tour of inquiry into the alleged barbarities in Crete.

I have, &c.
(Signed) W. A. WHITE.

Inclosure 1 in No. 109.

Vice-Admiral Sir A. Hoskins to Sir W. White.

Sir,

"Dreadnought," at Malta, November 4, 1889.

WITH reference to my telegram of to-day's date, I have the honour to forward herewith to your Excellency a copy of the same as well as a copy of the Report from Commander Meryon, of Her Majesty's ship "Polyphemus," containing details of his proceedings in the Western Highlands of Crete in company with Mr. Consul Biliotti.

I have, &c.
(Signed) A. H. HOSKINS.

Inclosure 2 in No. 109.

Commander Meryon to Vice-Admiral Sir A. Hoskins.

Sir,

"Polyphemus," at Suda Bay, October 28, 1889.

I HAVE the honour to report my return on the evening of the 25th from the Western Highlands of Crete.

2. In company with Mr. Biliotti, the British Consul, I left Canea at daylight on Monday the 21st, having been provided by his Excellency the Vali with an escort of two gendarmes and two cavalry soldiers. Riding westward along the coast we visited the villages of Palemarkia, Neokhoria, and Spillia, spending the night at Drepano.

3. On the 22nd, visited Kisamos Kastellis and waited on the Christian Governor of the province of Kisamos, then visited the village of Neokhori to the westward, thence south-south-east to Topollia, where we spent the night.

4. On the 23rd passed up the valley Enneakoria, and visited the villages of Vlatos and Kuneni, spending the night at a village called Strobleck, 3 miles east south-east of Kuneni.

5. On the 24th, visited Palekara Ahkladarki and spent the night at Rodovani.

6. On the 25th I returned via Sioreni and Alikhiani to Canea, the Consul remaining for two more days.

7. At all these villages we received large deputations of the leading Christian inhabitants and took their statements of complaints. Practically, there were very few complaints of ill-behaviour of Turkish troops that would bear the slightest investigation.

8. A Greek priest at Vlathos complained of being arrested, taken with his arms bound to Canea, and that his hat, while being taken to him in prison, was defiled. The Consul saw the hat afterwards and was convinced that it had not been defiled in the manner complained of, but it appears that he was taken with other prisoners bound, to prevent escape, to Canea, but that he was not detained but released the next morning.

The priest at Shoblesk reported that he had been grossly insulted and "smoked" by the gendarmes when arrested in connection with a sheep robbery perpetrated by his son, in company with others. We carefully examined the house where this reported outrage occurred, and were convinced that the "smoking" complained of

* Already received. (See Inclosure in No. 92.)

arose from an ordinary chimney situated at a distance of over 20 feet from the room in which he was confined, and, though he may have been inconvenienced, there was nothing intentional in the matter.

9. Although there are no complaints worth mentioning of ill-behaviour of Turkish troops, yet there are serious complaints everywhere of want of impartiality in considering Christian claims in the Law Courts, and of harsh imprisonment of Christians when prosecuted by Mussulmans.

Nearly all the cases now before the Law Courts are those of pillage, arson, &c., during the recent riots, and there is a large proportion of Mussulmans in prison awaiting trial on these charges, but the Mussulmans appear as a rule to have been more law-abiding than the Christians, and as Mussulmans will in no case give evidence against other Mussulmans, though Christians of opposite political parties have no hesitation in giving evidence against each other, it follows that there are many fewer Mussulmans awaiting trial on these charges than Christians. Nevertheless, the sense of injustice is very strongly marked, and two of the leading Christian Chiefs expressed themselves very plainly that if the Consuls of the various Powers did not get their Governments to help them in a material manner, they would take the law into their own hands as soon as they could get cartridges from Greece. The feeling that another rising is imminent is evident from the fact that nobody has begun repairing their houses which were burnt out in August and September.

10. Government is impressing the service of mules, &c., from villages to convey provisions and materials for building block-houses. This gives rise to frequent quarrels with soldiers, but an Order has recently been issued that all mules so impressed are to be paid for at the rate of 5 piastres a day.

11. Turkish troops are posted under canvas everywhere, and order is only maintained by a strong exhibition of force.

12. I cannot conclude without venturing to express my strong admiration of the ability and wisdom of Mr. Biliotti at the present juncture. He possesses the thorough confidence of the authorities, and both Mussulman and Christian residents, and in our interviews with the numerous deputations at all villages, we urged moderation on all parties in the most impressive manner, and, though not failing to point out the faults committed by both sides, he thoroughly retains the affection and respect of all.

13. If order is long maintained in this island, I consider it will be largely due to his influence.

14. Indirectly he exerts great authority, as the Governors of districts do not fail to investigate immediately, and inflict punishment, in any cases of misconduct which he points out.

15. On my return I found the "Scout" had left, but we should have been unable to accompany her as the coal ordered from Syra on the 11th had not arrived on Saturday the 26th, as reported to you in my telegram of the 27th. Your reply received on Monday the 28th, and as there is light easterly wind blowing, I propose starting this afternoon.

I have, &c.
(Signed) J. E. MERYON.

No. 110.

Sir W. White to the Marquis of Salisbury.—(Received by telegraph, November 20.)

My Lord,

Constantinople, November 20, 1889.

WITH reference to my telegram of the 14th instant, I have the honour to report that an Imperial Iradé granting a general political amnesty to Cretans was issued yesterday afternoon.

It has not yet been possible for me to obtain the details of this amnesty, but according to my information, it would seem that exception has only been made for those persons who have been already condemned, and for those who are under accusation for crimes at common law.

I have communicated the above information to Her Majesty's Minister at Athens, and to Her Majesty's Consul in Crete.

I have, &c.
(Signed) W. A. WHITE.

No. 111.

Sir W. White to the Marquis of Salisbury.—(Received by telegraph, November 24.)

My Lord,

Constantinople, November 24, 1889.

I HAD the honour to report to your Lordship, in my despatch of the 20th ultimo, that an Imperial Iradé had been issued granting a general political amnesty to the Cretans.

I am now informed that the Iradé likewise approves of certain administrative and financial changes, with the nature and details of which I am not as yet acquainted.

I have communicated the substance of the above to Her Majesty's Minister at Athens.

I have, &c.
(Signed) W. A. WHITE.

No. 112.

Consul Biliotti to the Marquis of Salisbury.—(Received November 25.)

(Extract.)

Canea, Crete, November 1, 1889.

YESTERDAY I had the honour to wire to your Lordship as follows:—

"The Vali, followed by three steamers with about two battalions on board, sailed this morning for the western districts. The object of Shakir Pasha, as he explained it to me, is to occupy the coast in order to prevent the landing of ammunition. A Petition, begging to be allowed to return home, was sent to the Vali by one battalion of the Adana Redifs, who are at an hour distance from Canea. A *Te Deum* having been celebrated at Selinos, in our village, on the occasion of the marriage of the Heir Apparent to the Throne of Greece, and the Hellenic flag having been hoisted, on the same occasion, on the flagstaff of a church at Lassithi, the Vali invited the Archbishop of Crete to order to take down all church flagstaffs. In the absence of the Vali, I expressed to the Government Counsellor the opinion that the carrying out of this measure would greatly excite Christians at large, and that they should not be held responsible for the action of a few of their community, on whom punishment might be inflicted. Troops are also moved towards Sphakia."

When at Sakkos, I was told that the manifestants had fired on three different occasions on the troops. On the 20th September, without casualties; on the 1st October at Sembrona, five soldiers killed, two wounded; and at Kissopetra, on the 8th October, one soldier killed and two wounded.

Ever since the year 1840, I am told, Greek churches in the towns and in the villages have been allowed to hoist flags representing pictures of the Patron Saints.

On the occasion of the marriage of the Heir Apparent to the Throne of Greece, the Hellenic flag was hoisted on the flagstaff of the church at the village of Houmenakou, in the district of Lassithi, and a *Te Deum* was celebrated in this church, as it was also done in that of the village of Campanous, in the district of Selinos.

In consequence of the incident at Lassithi, the Vali addressed a very polite letter to the Archbishop of Crete, inviting his Grace to order that, up to the 13th instant, the end of the month of October, according to the old style, all church flagstaffs should be taken down.

As the measure, if carried out, would not have failed to create a great excitement all over the island among Christians, in the absence of the Vali, I called the attention of the Government Counsellor to the importance of the question, and he ended by agreeing with me that it would be more prudent to limit punishment to the locality which had committed the infraction.

However, Galib Bey pointed out to me that church flagstaffs were painted with alternate blue and white colours so as to represent the Hellenic flag, and that this could not be allowed.

The Government Counsellor did not appear to attach much importance to the incident at Campanous.

Consul Biliotti to the Marquis of Salisbury.—(Received November 25.)

My Lord,

Canea, Crete, November 4, 1889.

CRETANS in the town do not see with satisfaction the investigations I am making into cases of ill-treatment and outrages in the villages.

However, I take down all cases, even unimportant, which are mentioned to me; I set down the statements with all details as they are given to me by the aggrieved parties themselves, and they come and meet me from distant villages through which I may happen not to pass.

While peasants seem to hope that the investigations I am carrying on by order of Her Majesty's Government may put a stop to their motives of complaints, which they always view under a most exaggerated light, town people consider that my inquiries are detrimental to their interests, inasmuch as they re-establish facts under a somewhat truer light, and lead to the repression of abuses which, if allowed to exist and to increase, would have given real grounds for complaint.

In fact, notwithstanding the exaggerated view taken by interested parties of their own cases, and the impossibility in which I find myself of corroborating their statements by contradictory evidence, their allegations are far from confirming the rumours in circulation in the town so far as serious outrages are concerned.

The respective importance of each case is easily detected in the detailed statements accompanying my Reports, and it is most remarkable that there is not a single proved outrage against women, on the part of soldiers, neither here nor at Candia.

The object of town Christians being to compel the public opinion in Europe, especially in Great Britain, to turn in their favour, and the opinions of Canea people being always accepted in the districts, may explain the fact that country people were loudly clamouring against oppression and injustice, without applying, in most cases, to the higher authorities for redress.

I have, &c.

(Signed) ALFRED BILIOTTI.

Consul Biliotti to the Marquis of Salisbury.—(Received November 25.)

(Extract.)

Canea, Crete, November 9, 1889.

YESTERDAY, after a long interview with his Excellency Shakir Pasha, I forwarded to your Lordship the following telegram on one of the subjects of our conversation :—

"I submitted to the Vali that an amnesty, not excluding the restitution of stolen property, and limited to Cretans on the island, would relieve Christians from the state of anxiety in which they are now living.

I explained to his Excellency the strong feeling of anxiety that prevails in the country in consequence of the motives submitted to your Lordship in my despatch of the 30th ultimo, and that a general amnesty is considered by the population as the only means of relieving them from their apprehensions. But I added that an amnesty limited to the Cretans on the island might be sufficient to attain that end, and also that of relieving the Government from the onus now falling on them in consequence of accusations on political grounds by Christians against their co-religionists. But, at the same time, that this amnesty should not deprive individuals from the right to claim the restitution or an indemnity for their stolen property.

His Excellency replied that he had himself come to the same conclusion.

I believe that all the individuals intended to be excluded from the amnesty are out of the island, but their relatives and friends will not fail to raise an outcry of oppression and injustice.

However, I am convinced that the majority of the population will accept the measure with the utmost satisfaction.

A triple murder which has taken place on Saturday last in the district of Sphakia gives an idea of the Cretan outlaw. A certain Liapi, who came over from Greece during the late disorders, having vendetta against one of his fellow villagers, and not finding his intended victim, murdered in cold blood a whole family distantly related to him, consisting of husband, wife, and a girl 12 years of age. The murderer was not apprehended, and is said to have escaped to Greece.

This fact, which is not without precedents, does not prove in favour of the amnesty advocated for outlaws by country people.

It suggests, on the contrary, that some arrangement should be entered into with Greece for the extradition of Cretan criminals of so heinous outrages, in the perpetration of which they are encouraged by the fact of their being out of the reach of the law as soon as they manage to cross the sea.

Similar malefactors are not an acquisition for Greece, and, after all, they decimate the Christian population as well. Old Christian Chiefs themselves advocate extradition between Greece and Crete, and maintain that without this measure no perfect security will ever be restored in this island.

No. 115.

Consul Biliotti to the Marquis of Salisbury.—(Received November 25.)

My Lord,

Canea, Crete, November 9, 1889.

THE other subjects on which I spoke in my interview with Shakir Pasha are mentioned in the following telegram, which I had the honour to forward to your Lordship yesterday:—

“The Vali has appointed, and is appointing, Mixed Commissions for the amicable settlement of mutual claims of Christians and Mussulmans. These Commissions are authorized to make domiciliary searches for the recovery of stolen property; no ground of complaint will remain to Christians under this head, if these instructions are properly carried out. Some thirty Christians have already been released at Apokorona under this arrangement.

“This day, permission to leave the island, which was hitherto refused, was granted to women, as well as to two Conservative leaders. Two others at Rethymo, who were imprisoned a few days back, were, by the Vali's order, set at liberty.

“An excellent impression is produced among Christians by all these measures.”

I have explained in my despatch of the 31st ultimo the motives which prevented Christians from applying that perquisitions should be made in Mussulman houses.

On the appointment of Mixed Commissions, I submitted to the Vali that if they were authorized to order domiciliary searches in cases presenting some ground for suspicion, the principal motive of complaint of Christians would be set aside.

His Excellency, who had already given similar instructions, intends to order again their strict application.

The liberation of thirty Christians from prison is a very satisfactory result obtained by the Mixed Commission at Apokorona, which was the first to be appointed.

Permission to embark, which was hitherto withheld, as reported in my despatch of the 30th ultimo, was granted to women and even to two Conservative leaders, who were strongly compromised.

Shakir Pasha stated to me that he had withdrawn the prohibition in consequence of Cretan refugees returning from Greece, and, in the case of the two leaders, because they are not to be excluded from the intended amnesty.

The two leaders at Rethymo had given great moral support, but had taken no active part in the demonstrations. They had been apprehended on Christian evidence, and their release proves that Shakir Pasha is decided no longer to pay attention to accusations on political grounds on the part of Christians against their co-religionists.

All these circumstances abundantly prove that Shakir Pasha is above any pressure that may be put upon him by subordinate Mussulman functionaries. Christians at large are delighted with the adoption of the forementioned measures, which, if properly carried out, will not leave a single motive of complaint, but a certain number among them cannot fail to be disappointed.

Native Mussulman gendarmes not having deserted, the Vali intends to incorporate also three companies of Christians in the gendarmerie, but want of money appears to be an impediment to the immediate execution of this scheme.

The measure appears to be much needed for more than one motive. The presence of native Christians in that corps will prevent groundless or exaggerated accusations against foreign gendarmes, as it may be the means of identifying individuals unknown to foreign gendarmes, and it will secure the latter against being fired at by Christians.

Last week an Albanian gendarme was killed without provocation at the door of the police station at Azogyré, a village in the district of Selinos.

I have, &c.

(Signed)

ALFRED BILIOTTI.

Consul Biliotti to the Marquis of Salisbury.—(Received November 25.)

(Extract.)

Canea, Crete, November 11, 1889.

ON the 8th instant I had the honour to wire to your Lordship as follows:—

“All the coasts, from the western extremity of the island, up to Candia and a corresponding point south of that town, are occupied by troops.”

His Excellency Shakir Pasha considers that the look-out kept by the troops stationed along the coast, and by seven Turkish cruizers, is sufficient to prevent the landing of ammunition; but smuggling in small boats and in steamers is so difficult to prevent on so extensive a coast, that it may be permitted to entertain doubts as to the complete efficiency of the measure.

Consul Biliotti to the Marquis of Salisbury.—(Received November 25.)

My Lord,

Canea, Crete, November 12, 1889.

I HAD the honour to send to your Lordship the following telegram, dated the 9th instant:—

“This day was released an officer of gendarmerie whose case had attracted much attention here; more prisoners are expected to be set at liberty to-morrow, among whom some are in prison for political offences. The aspect of affairs is becoming more satisfactory hourly. Taking down the church flagstuffs (reference to my telegram of the 31st ultimo), if insisted upon, is the only circumstance that might at present darken the horizon.

“The case was submitted to Constantinople by the Vali.”

The following were the heads of complaints:—

1. Ill-treatment on the part of the troops. No cases have taken place since nearly one-and-a-half months, and Christians bear no grudge to soldiers, but to the native Mussulmans who led them.

2. Compulsory labour at Selinos for transporting Government stores, and especially heavy timber. Peremptory orders, which are obeyed, were given not to impose forced labour on Christians.

3. Ill-treatment on the part of gendarmes. Most of the cases had for cause the requisition of mules, which are no longer required, and measures (of which I spoke in preceding Reports) are devised by the Vali for increasing the efficiency of the gendarmerie.

4. Unequal justice towards Christians, and impossibility of searching Turkish houses for the recovery of stolen property.

The appointment of Mixed Commissions with authority to order domiciliary perquisitions is calculated to greatly ameliorate the situation under this head.

5. Imprisonment of numerous Christians, but of few Mussulmans, as explained in my Reports concerning the western districts. The release, consequent on the foregoing arrangement of several prisoners, which is likely to be followed by that of others, cannot fail to give full satisfaction.

6. Prosecution (by Christians) for political offences. The liberation of two Conservative leaders lately arrested at Rethymo, and the evident desire of Shakir Pasha to facilitate the setting at liberty of other political offenders, has produced a most beneficial impression.

7. General amnesty. The rumour which is afloat, that, with few exceptions, it will soon be granted, has already abated the prevailing anxiety.

Shakir Pasha has decided to adopt another measure which will greatly satisfy Christians. His Excellency intends to fix a day in the week for the reception of all Cretans who desire to communicate directly with him.

This being the situation, the only circumstance which, if insisted upon, might have darkened the horizon, was taking down church flagstuffs all over the island.

My Greek colleague informed me that the Governor of Candia having lately repeated to the Archbishop of Crete, who resides in that town, the order transmitted to him some time since by the Vali, Christians were greatly excited.

However, Shakir Pasha told me this day that he had wired to limit the execution of his order to Lassithi, where it had been already carried out.

This incident can therefore be considered as settled ; but from what the Vali told me, it would appear that a general invitation had been issued by the Primate for attendance at the *Te Deum* chanted at Cambanous.

In this same interview I also spoke of the state of the prisons at Canea, which was represented to me in the villages by liberated prisoners as being of the worst description.

His Excellency said that he had visited the prisons, and that, considering them to be rather crowded, he had endeavoured to hire some convenient house to be used as additional prison. But, failing in his searches, all he could do was to introduce more cleanliness and order by appointing special prison keepers.

I have, &c.

(Signed) ALFRED BILIOTTI.

No. 118.

Consul Biliotti to the Marquis of Salisbury.—(Received November 26, 1 P.M.)

(Telegraphic.)

Canea, Crete, November 26, 1889, 11.5 A.M.

SIR W. WHITE'S telegram of the 24th instant to your Lordship.

The Decree of Amnesty has not yet been received by the Vali.

No. 119.

Consul Biliotti to the Marquis of Salisbury.—(Received November 28.)

(Telegraphic.)

Canea, Crete, November 28, 1889, 3.15 P.M.

ACCORDING to the Vali, martial law will slowly wear away by itself after the proclamation of amnesty. His Excellency points out that he has already repealed the most severe measures connected with the state of siege. The presence here of certain Conservative leaders being considered by some Liberals as a danger for them, they have begged the Vali not to allow the former to return to Crete. On the other hand, some Conservatives have asked for the maintenance of the court-martial on the ground that they can place no faith in the Liberal Judges sitting in the local Tribunals.

No. 120.

Sir W. White to the Marquis of Salisbury.—(Received November 29.)

My Lord,

Constantinople, November 21, 1889.

THE appearance in the inspired Turkish press of strong articles on the subject of Crete, of the attitude of Greece in relation to that island, and of the internal condition of the Hellenic Kingdom itself, is not without significance.

Thus, on the 15th instant, the "Tarik" published a severe attack on the Greek political leaders whose "philosophical maxims and suggestions, dating from the time of Ptolemy, on the government of neighbouring countries, whilst the state of Greece itself calls so loudly for improvement, can only provoke the derision of the civilized world.

"The result of these men's conduct is that all Europe has come to call Greece the spoilt child of Europe, but when a spoilt child carries its petulance too far, it must be corrected."

Again, on the 19th instant, the "Tarik," after dismissing Mr. Gladstone's attacks on Turkey's action in Crete with the remark that sensible persons "must regard this discussion of Mr. Gladstone as a temporary occupation of his, arising from his having no other serious occupation," and after pointing out the worthlessness of the evidence of the "Daily News" correspondent, himself by birth a Cretan, proceeds to criticize M. Tricoupi's allusion to the want of friendship and good-will shown by Turkey. Is it, it inquires, in return for his statement that though he has prevented the export of arms belonging to the Government, he has incited the dispatch of war material by the Committees to the Cretan "miscreants," that M. Tricoupi expects a display of good feeling on our part?

The "Tarik" ends by thanking the "Norddeutsche Zeitung" for its announce-

ment that Germany will never threaten the peace of Europe by assisting the aims of Greece, a declaration which, it remarks, "has produced an excellent effect all round," but of which I have not seen a copy anywhere else. It evidently escaped my attention.

I have, &c.
(Signed) W. A. WHITE.

No. 121.

Sir W. White to the Marquis of Salisbury.—(Received November 29.)

My Lord,

Constantinople, November 25, 1889.

WITH reference to my despatch to your Lordship on the subject of the Sultan's Iradé granting an amnesty to the Cretan insurgents, and approving of certain financial and administrative changes in the island, the details of which are unknown to me, I now hear that a Firman is being drawn up at the Porte in conformity with the Iradé.

When it is ready it will be sent by a special officer to Crete for promulgation there, and only then will the contents be made known here.

I have, &c.
(Signed) W. A. WHITE.

No. 122.

Foreign Office to Consul Biliotti.

Sir,

Foreign Office, November 30, 1889.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your despatch of the 9th instant, and to inform you that the language which you held to his Excellency Shakir Pasha, as reported therein, respecting the advisability of a general amnesty being granted by the Porte in connection with the recent disturbances in Crete, is approved by his Lordship.

I am, &c.
(Signed) P. CURRIE.

No. 123.

Consul Biliotti to the Marquis of Salisbury.—(Received by telegraph, December 1.)

My Lord,

Canea, Crete, November 29, 1889.

ON the 28th instant I had the honour to telegraph to your Lordship as follows:—

"According to the Vali, martial law will slowly wear away by itself after the proclamation of amnesty. His Excellency points out that he has already repealed the most severe measures connected with the state of siege. The presence here of certain Conservative leaders being considered by some Liberals as a danger for them, they have begged the Vali not to allow the former to return in Crete. On the other hand, some Conservatives have asked for the maintenance of the court-martial on the ground that they can place no faith in the Liberal Judges sitting in the local Tribunals."

In fact, the state of siege is more nominal than real, and the measure adopted some time since by the Government to dismiss accusations on political grounds has done away with the principal cause of anxiety.

But the respective requests made to the Vali by Liberals and Conservatives is a sign that both factions are already getting ready to revive party strifes, a not promising prospect for the extirpation from this island of the real cause of all evils.

I have, &c.
(Signed) ALFRED BILIOTTI.

No. 124.

Consul Biliotti to the Marquis of Salisbury.—(Received by telegraph, December 1.)

My Lord,

Canea, Crete, November 30, 1889.

I HAD the honour to state in my telegram of this day to your Lordship that it appears certain that five Cretans now at Athens have been condemned in default by the court-martial: Christodoulaki, who was Major in the gendarmerie at Canea, to death for desertion; Kakouris and Criaris to imprisonment for life as promoters of the Decree of Annexation with Greece; and Zourides, as well as Mighiaki, for the same motive, but as less guilty, to fifteen years.

Mussulmans appear to be convinced that all condemnations before the proclamation of the amnesty will hold good, and Christians are under the impression that the publication of the Decree of Amnesty is purposely delayed in order to enable the court-martial to issue all the intended sentences.

Yesterday evening the Vali embarked for Sphakia and Messaro, from whence he intends to return by land via Candia.

His Excellency expects to be back in five or six days, and is accompanied by the Colonel of gendarmerie.

Recently some collisions have taken place between natives and gendarmes.

The object of Shakir Pasha may be to inspect the Albanian Corps, but it may also be connected with the prevailing idea among Christians and Mussulmans with regard to the publication of the Decree of Amnesty.

In fact, it appears strange that an Iradé, issued twelve days ago, should not have yet found its way to this island.

Collisions between natives and gendarmes are of alarming frequency since a few days.

Besides that reported at Mylopotamo, Rethymo,* one took place at Askyfos, Sphakia, where one soldier (troops having been sent to assist the gendarmerie) was wounded with a fire-arm; another at Kissamo, where it would seem that effusion of blood would have resulted without the timely interference of the Christian Primate; and a third is reported from the Province of Candia. But exact details are lacking in all three cases.

The violent means used by foreign gendarmes on several occasions, coupled with the jealousy of natives, appear to be leading to an unsatisfactory result; to prevent which a remedy should be applied before collisions assume a more serious character, and extend all over the island; for there are several localities where natives are rather satisfied than dissatisfied with the Albanians.

I have, &c.

(Signed) ALFRED BILIOTTI.

No. 125.

Sir W. White to the Marquis of Salisbury.—(Received December 4, 12.10 P.M.)

(Telegraphic.)

Constantinople, December 4, 1889, 10.55 A.M.

THE Imperial Firman was sent off to Crete by a Special Envoy the day before yesterday, but its contents it are still kept secret.

No. 126.

Consul Biliotti to the Marquis of Salisbury.—(Received December 7, 11.30 A.M.)

(Telegraphic.)

Canea, Crete, December 7, 1889, 8.45 A.M.

Askyphos, December 5.—I have visited the western part of the district of Apokorona. The alleged case of rape at Ramni (which took place at Milidoni) consists in the offer of a dollar, which was refused by the woman; and a second offer of 4 dollars for keeping secret the proposal from her husband. An irregular cave, in an isolated valley, inclosed by a wall, is what is called the church at Vafé. Two months ago some soldiers perforated with a bayonet the only picture on zinc in this church, and broke a cross to pieces. The collision which took place here between gendarmes and troops on one side and natives on the other was not serious. Perfect tranquillity prevails at present.

No. 127.

Sir E. Monson to the Marquis of Salisbury.—(Received by telegraph, December 9.)

(Extract.)

Athens, December 9, 1889.

IN view of the strong feeling universally entertained in Greece upon the Cretan question, I suppose that your Lordship will not be surprised to learn that the tenour of the Firman has produced the worst possible effect both upon the Government and the public of Athens. Notice of an interpellation of the Foreign Minister as to the contents of the document was given on the 7th by M. Delyanni, and that interpellation will be made to-day.

No. 128.

Consul Biliotti to the Marquis of Salisbury.—(Received December 10.)

My Lord,

Canea, Crete, November 25, 1889.

I HAVE the honour to report that one battalion of Syria recruits, consisting of 680 men, arrived here last week; also another batch of 95 Redifs of the 78th Anatolian battalion.

In consequence of severe snow and cold, a quite unusual circumstance at this time of the year in Crete, the military authorities have been under the necessity of locating soldiers in a few Christian houses (whose inmates were turned out), in three spots more exposed than others.

The only locality from which complaints were made is Armenous, a village in the district of Apokorona, where nine houses were thus disposed of.

The Vali assured me that this measure is temporary and not likely to last above a fortnight.

The soldiers stationed along the north and north-western coast must have greatly suffered from the intempestiveness of the season.

To all my inquiries peasants coming from inland districts answer that they have not to complain against soldiers.

However, quite recently the Primate of Aghia Roumeli stated to me that soldiers had stolen from three isolated chapels in that vicinity church linen, which he values, for the three cases, at 5s.; and that they furthermore carried off onions for a value of 12s., honey from seven beehives, five sheep, and nine goats.

It would seem that on the two last occasions shepherds fired at the marauding parties, which consisted of five or six soldiers.

I have, &c.

(Signed) ALFRED BILIOTTI.

No. 129.

Consul Biliotti to the Marquis of Salisbury.—(Received December 10.)

My Lord,

Canea, Crete, November 25, 1889.

SINCE my return into town I heard some complaints against the gendarmerie in the villages; but no cases were substantiated with the exception of the two following serious ones:—

In the district of Apokorona gendarmes going their rounds met two Christians, one of whom was wanted by the police. On the latter taking to flight he was shot dead by one of the gendarmes, who is now in prison for trial.

Last week a scuffle, on the motives of which there are as yet no details, took place at Mylopotamo, in the Province of Rethymo, between gendarmes and Christians.

One of the latter was killed and one or two wounded; but it is not known whether there is loss of life among gendarmes. However, three of them are said to have been carried into the town in a pitiable condition from beating and wounding.

Christians recognize the inefficiency of a local gendarmerie, but at the same time they are jealous of the strangers who have taken their room.

The incorporation of some natives in the Albanian Corps is likely, by removing this feeling, to prevent, to a certain extent, the recurrence of such regrettable incidents.

I have, &c.

(Signed) ALFRED BILIOTTI.

No. 130.

Consul Biliotti to the Marquis of Salisbury.—(Received December 10.)

My Lord,

Canea, Crete, November 28, 1889.

IN reply to your Lordship's despatch of the 2nd instant, I have the honour to transmit herewith a paper containing my observations on the statements of alleged outrages on Christians, which may induce in error only those not residing in Crete.

It is not, perhaps, superfluous to remind here, that Mussulman and Christian Conservatives were acting in concert—the latter quite openly—in order to obtain the recall of Sartinski Pasha as a means of wresting power from their political antagonists.

But Conservative Mussulmans, who go by the name of Beys, as mostly representing the Mussulman aristocracy, were also moved by the hope that, on a fresh vacancy occurring, one of their co-religionists might have been appointed as Vali. They expected, by such a change, an amelioration in the condition of Mussulmans, which was considered by the whole of them as no longer tenable.

Christian Conservatives, on the contrary, who did not dream of the possibility of such a change, were considering that, as usual, the Sublime Porte would have ended by granting fresh concessions in order to avoid complications.

In consequence of this common action—aiming, however, at quite opposite objects—we witnessed this year, for the first time in Crete, a mixed armed meeting of 1,200 Christians and Mussulmans acting together in politics.

The fact that Mussulmans continued to be in the ranks of both Christian factions prevented an outbreak of religious fanaticism, but it presented at the same time the danger of unexpected disorders of another nature, which it might not be in the power of Conservative leaders to check when required.

Sad experience has proved that this danger was real, and that, when it became apparent, religious feeling again divided the two races.

On the assurances given to me by Christians who were at Boutzounaria, I reported in a previous despatch that the manifestants were provided with money and victuals by Beys.

The revival of the idea of attracting the attention of Europe can only be attributed to the high class of that creed as a means for compelling their own Governments to ameliorate the condition of Mussulmans at large.

That Conservative Mussulmans, as it was rumoured, may have favoured or pushed their co-religionists to emigrate from the country into the towns, as a means of attaining this object, is probable.

But whether the movement is due to the encouragement of Beys, or to the action of Christian Conservatives, or to both, can only be judged by the undeniable facts which I record, in chronological order, in my observations under the head of "Pillage" and "Burning of Houses."

In all cases country Mussulmans and Christian Liberals, except, perhaps, in some isolated cases, are not responsible for the emigration.

The information concerning the remainder of my observations was furnished to me by native Christians, among whom there are not a few deprecating the exaggerated statements—even inventions—of their co-religionists.

I shall cite, as an example, that shortly after my return from my recent trip to the western districts, an old Selinos leader, now residing here, asked me whether I intended to report all the exaggerated statements made to me, as he had heard them from one of his nephews, who had just arrived from that district.

I replied that I had already so done, not as facts ascertained by myself, but as related to me by the aggrieved parties.

I have availed myself of the opportunity of replying to the statement in question

in order to correct a very few dates and details, which, as it was to be expected, could not be obtained at first with all desirable accuracy.

I have, &c.
(Signed) ALFRED BILIOTTI.

Inclosure in No. 130.

Observations on the detailed Statement of alleged Outrages on Christians inclosed in a Memorandum dated the 20th October last, and signed by six Cretan Conservatives.*

[N.B.—In order to have an exact idea of the outrages mentioned under the first head, events should be read as they took place on the whole island, and not province by province, as detailed by the memorialists.]

Burning and Pillage of Christian Houses.

July 6th.—After the departure of an expeditionary column of regular troops, on which they fire, the band of Cacouri (or Cakouris), and Sifakas (or Sephakes), two of the signatories of the forementioned Statement, compel the Turks of Armenous (Sphakia) to depart from that village. Cacouri and Sifakas are prevented from setting fire to the houses of the fugitives by the Christian inhabitants of the locality, who expostulate with them for leading the island to its ruin. According to another version, Cacouri and Sifakas abstain from so doing for the sake of a Conservative Mussulman leader, possessing in that village a large house and other buildings.

July 15th.—Two Conservative bands, of about 300 armed men each, overrun the district of Rethymo, and compel the Justice of the Peace and his clerk at the village of Rustica to flee to the town. Mussulmans get frightened, and remove from distant villages to other nearer the town of Rethymo, so as to be ready to enter it on the first sign of danger.

July 16th.—Cacouri's and Sifakas' band burnt the archives of the Government (Caïmakambia) in the district of Alikianou (Canea), and remove to Apokorona (Sphakia).

July 18th.—Nine outlaws, on their way to join Cacouri's and Sifakas' band, attack the Turkish village of St. George, kill two of its inhabitants, slaughter their cattle, and burn their houses. One of the assailants, Apostol Gallianos, is killed (Rethymo).

July 19th.—This small band, being reinforced by Conservatives, besiege the Turkish village of Episcopi during a whole day. Mussulmans of the surrounding villages emigrate to town of Rethymo. Beginning of movement of emigration also in the Province of Canea.

July 20th.—The inhabitants of the village of Episcopi are safely conveyed to Rethymo owing to the intervention of Christian Liberals, assisted by the gendarmerie and Mr. Stavrianidis, a Conservative leader, whose conduct is most praiseworthy. This village is at once pillaged by the band in question.

July 21st.—Five Turkish villages are pillaged by other Conservative bands at Mylopotamo (Rethymo). Their inhabitants flee to the town where Mussulmans begin to become threatening.

On this very day, fearing retaliation on the part of Mussulmans, Conservative and Liberal Christian leaders issue the following Proclamation, given in translation :—

“To all the Christian inhabitants of the district of Rethymo.

“Brethren,

“The serious crisis which has taken place in our district within the last days has attracted the attention of both factions, who, until yesterday, were fighting against each other, and has had the most satisfactory result of bringing about reconciliation and peace between them. In order to fully attain this end our townsmen, Messrs. J. Tsouderes, Harilaos Ascutzis, S. Dandolo, and J. Vlastos shall proceed to Canea, and, in concert, ask the Government to apply the necessary remedy for putting an end to this deplorable state of things.

“We, therefore, beg and beseech you that on your side you should safeguard the honour, life, and property of Mussulmans, maintain order and tranquillity, and,

taking example from ourselves, live in peace, putting aside party animosity, and you may be sure that in this way order and peace will be soon restored on the island, as before.

(Signed)

“HARILAOS ASCOUTZIS.
 “JOANNIS TSOUDERES.
 “ANAGNOSTIS TSIHLIS.
 “JOANNIS VLASTOS.
 “EMMANOUIL GENERALIS.
 “DIMITRIOS TZANNIDAKIS.
 “GEORG. JOSSIF HATZI GRIZORAKIS.
 “MIRON LITINAS.
 “STELIANOS DANDOLOS.
 “THEODOROS STAVRIDAKIS.
 “CONST. D. MOAZZOS.
 “GEORGIOS SCOULODIS.
 “GEORGIOS KAFFATOS.
 “THEMISTOCLIS PASSADAKIS.
 “GEORGIOS ATHANASSIADIS.

“*Rethymo, July 9 (21), 1889.*”

This arrangement takes place with the intervention of the Consular Body at Rethymo, but Mussulmans being not convinced of the reconciliation between the two Christian factions, continue to hurry into the town.

In the meanwhile, Hadji Michali Taunaris (one of the signatories of the Memorandum) is sending over from Greece thirty or forty outlaws, who join Cacouri's and Sifakas' band.

July 22nd.—These two Chiefs, together with their Apokorona followers, join the remainder of the manifestants who have not moved from Boutzounaria.

July 23rd.—Frightened by the murder of two Christians near the town, Conservatives wire to the Vali for troops to protect them against Mussulmans. The latter make the same recommendation for the maintenance of order, but the Governor-General can only dispose of two companies (200 men), which he sends without delay (Rethymo).

Christian manifestants having sent messages to warn all the inhabitants of the surrounding villages that they are about to begin an insurrectionary movement, country Mussulmans hurry into the town of Canea and in the surrounding Mussulman villages and farms.

On the arrival of the four Deputies from Rethymo, delegates having been sent to Boutzounaria, the few honest Conservative leaders there, who try to speak privately with them, are struck with the butt-end of their rifles and threatened to be killed by the manifestant outlaws and the recalcitrant tithe-farmers, who outnumber them in the proportion of about fifteen to one. Conservative leaders are almost, if not actually, their prisoners.

July 24th.—Desertion of all Christian gendarmes and officers, and of part of Mussulman gendarmes.

July 25th.—All the Mussulmans in the Provinces of Canea and Rethymo (those of Selinos and of part of Kissamos excepted) have taken refuge in those two towns.

Mussulman pillage Christian villages near Rethymo on their way to that town, and begin turning Christians out of their houses in which they settle themselves.

This is in fact—13th (25th) July—the date on, and the foregoing are the circumstances under, which Mussulmans forcibly take possession of Christian houses in the town of Rethymo.

July 26th.—Three hundred armed Christian Conservatives from the Province of Rethymo are joined by the gendarmerie, drive Mussulmans out of the villages on the confines of the Province of Candia, and pillage their houses. The fugitives fall back in the district of Monofat, spreading terror among their co-religionists, who hurry to the town of Candia.

July 27th.—Mussulmans flock in from all districts into the town of Candia. Panic among Christians there, also in the towns of Canea and Rethymo.

July 28th.—Mixed Commissions are sent to Messara to induce Mussulmans who have not yet moved not to emigrate, and Christians not to molest Mussulmans. But the Conservative band of 300 men expel the authorities from that district. Tithe-farmers in several villages distribute tithes to peasants.

Turkish families in district of Viano (Lassithi) are getting ready to emigrate; 150 families from other villages enter the town; Mussulmans are infuriated.

In the Province of Canea, Mussulmans burn one house at Galata and another at Mournies. In the Province of Rethymo Christian houses are pillaged, and a few burnt in the vicinity of the town.

July 29th.—The Christian houses in the village of Galata, about 200 in number, which were placed at the disposal of Mussulmans, are pillaged by neighbouring Turks, while preparations are made to locate emigrants.

Christians at Apokorona hearing exaggerated reports of conflagration at Galata and Mournies burn the Mussulman houses at Armenous.

July 30th.—Burning of Christian village of Perivolía, in the Province of Canea. At Candia, Mussulmans enter the town *en masse*, break into Christian houses, forcibly turning out their inmates, robbing, ill-treating. On or towards the 23rd July S. Mavrogenis, the Major of Gendarmerie at Candia (one of the Signatories of the Memorandum), deserts his post. It is true to add that his services could not have been of any avail. He was at that time in one of the districts of Canea, and encouraged Mussulmans not to desert their houses; but he was at last under the necessity of telling them that he could no longer answer for their safety. He prevented the manifestants from murdering Turkish immigrants on their way to Canea.

The 30th is the date, and not the 14th (26th), on which Mussulmans take possession of Christian houses in the town of Candia.

Since that time pillage and burning of houses are carried on on an extensive scale by Mussulmans in all Christian villages within their reach, that is, within 6 miles round the six spots occupied by them, and by Christians in all the villages beyond that limit. Trees and plantations are burnt, cut down, and destroyed to a great extent by both parties, Mussulmans suffering more damages.

In the district of Kissamos Palaïokastro is not burnt, but so are all the farms in the plain which belong to Mussulmans, not to Christians. Mussulmans take possession of the thirty or thirty-five Christian houses in the fortified town of Kissamos, which have been deserted by their owners.

By exception no trees and plantations belonging to Christians are destroyed in this district.

District of Rethymo.—One house is burnt in the village of Atzipopulo, and not a single one in that of Galli. The fine house of M. Lampropoulo is burnt in the village of Adele.

Province of Candia (District of Monofatzi).—It is stated in the Memorandum that the Convent of St. George Epano Sippi was burnt in the middle of August, and that towards the middle of September its granary was pillaged, its chapel profaned, &c. The latter fact, which is true, but in which soldiers have had nothing to do, and which took place in September, proves by itself that the convent was not burned in August. But if further proof be required, I may add that, during my recent trip in the Province of Candia, I spent the night of the 8th October last in this very convent, and that there was not the least mark of conflagration. The monks explained to me that it is owing to their convent, which is held in great veneration, not having been burnt, that the Mussulman villages round it were spared by Christians. The profanation of its chapel is included in the list of fifty-seven churches handed to me by his Grace the Archbishop of Crete.

There is not the least doubt that Christians, whose houses were forcibly entered by Mussulmans, have sustained losses, but they are far from being as important as they are represented to be in the Statement.

The strongest case in it is that of Rethymo. In explanation, Mr. Vice-Consul Trifilli writes:—

“No objects of value were stolen, but lately it became known that some pieces of furniture and utensils were carried off.”

On his side, Mr. Vice-Consul Calocherino says:—

“The Governor of Candia happened to be at Messara (when the band of 300 Conservatives pillaged the Turkish villages), and he tried to stop the Turks promising to send troops to protect them. This he was unable to do, and Mussulmans entered the town, and, finding no shelter, turned Christians out of their houses. Two or three shops were pillaged. ‘Leurs biens’ means furniture and personal property, but very little pillage took place in the town of Candia.”

The extent of ground over which each race could extend their raids can give an idea of the losses sustained by each party with regard to the products of the soil; a

radius of 6 miles round six spots for Mussulmans, the remainder of the island for Christians. According to a note given to me by the latter at Selinos where Mussulmans had two spots of a radius of 6 miles each, they gathered the produce of forty-nine thrashing floors belonging to Christians, and the latter that of 263 thrashing floors belonging to Mussulmans.

Galata excepted (read village of Galata and not Perivolia in printed despatch of the 3rd September last), there is not a single case of troops having pillaged or burnt, or assisted, or allowed Mussulmans in pillaging or burning, Christian villages or houses. They have, of course, made free use of grapes and other fruits, but I also know cases wherein Christians, in order to encourage them in the discretion shown in this respect, helped them with grapes. One case was reported to me from Rethymo of soldiers having cut down a few valonea trees for fuel.

N.B.—I now can follow the Memorandum province by province.

PROVINCE OF CANEA.

Acts of Brigandage and other Outrages.—District of Kissamos.

It is most strange that this district, which, of all others, is the one that has had almost nothing to suffer from troops and gendarmes, should be mentioned in the Memorandum as the scene of terrible atrocities. The few cases of beating and ill-treatment are detailed as they were mentioned to me in my Report on this district. No mention of fines having been levied was made to me during my recent trip, and the vague rumours which I heard of troops exacting food was not substantiated. No Christian in the town, nor in the district of Kissamos, has ever heard of any attempt at outrage on women or young girls, and less still on boys or youths.

When, in October last, I was in the fortified town of Kissamos, Christians told me, and I reported, that fifty shops had been pillaged. A most respectable Christian of Kissamos now assures me that there are only thirty shops in that town, and that all the goods in them were removed before the arrival of Mussulmans. Out of these empty shops twenty-two were deprived of their doors and windows, shelves and oil jars. The two latter articles are still missing, but the windows and doors of nineteen of these shops were recovered. The total loss on the twenty-two shops does not amount to 100*l*. No roofs were destroyed. Mussulmans, whose houses in the villages were burnt on the 31st July, left intact the Christian houses, in which they inhabited in the town. But they stole furniture and utensils for an average value of 500 piastres from each house, together about 130*l*.; in addition to which a single house, that of Mari, was robbed of objects representing about 100*l*.

Torture and Murders.—District of Cydonia.

The eight murders mentioned in the Memorandum were similarly reported by myself, and are true, with the exception of the murder of Jean ———, agé de 80 ans. The death of Mr. E. Choudraki is also attributed to troops while they were marching to Hirospilo. He is said to have been armed, and to have fled on their approach. Two more Christians were killed while fighting against troops. No torture was inflicted in any case.

The corresponding number of Mussulmans is: 11th July, 1 murdered; 28th July, 1 mortally wounded, who died; 29th July, 5 soldiers murdered and 1 mortally wounded, who died (6 altogether, and not 5 and 6, as printed under No. 126 in Blue Book). They were killed by eighty-four manifestant outlaws, who had been discussing their death during three days. The Conservative Leader, who gave me this detail, told me that he had done all he could to prevent this outrage, and that he could not help crying after it was perpetrated. When, five days later, troops were sent to relieve the fort, the corpses were in such a state of decomposition that they could not be removed. They were dragged in a grave which was dug on the spot. 1st August, one wounded. Christians state to have killed eight more soldiers at different times. Total Christians, ten murdered, one wounded. Turks, sixteen murdered, one wounded.

The cases concerning Lakki or Lakkous were not mentioned to me on my passage in that village, where I spent the night. On inquiry at Canea, I was told by third parties that the individuals mentioned were beaten, but not fastened to posts. Scoulas, who is a man of about 45 years of age, was arrested in the plain of Canea, not at

Lakkous, during the progress of the army, and kept in prison during twenty hours. The torture of exposure to the sun consists in not allowing to sit in the shade.

District of Kissamos.

The total number of murdered Christians is six. M. Michel Kokolinaki, who was murdered at Pachia Ammo, district of Cydonia, is the same M. Kokolinaki mentioned as the seventh victim in this district (Kissamos), of which he was a native and a resident. No Mussulman was killed.

District of Selinos.

Only three Christians were murdered; one priest was lamed for life in consequence of a severe wound, and two very slightly wounded. Soldiers had nothing to do in these outrages. The names of the murdered Christians are not those given in the Memorandum, but Antonis Linkounakis, Theodoros Coulerakis, and Jannis Lakkiotakis. They were given to me by their relatives in the village of Sarakina, to which they belonged. According to Christian statements in Canea, these three individuals formed a band which was associated with another band of Mussulmans, each stealing property of their respective co-religionists, and handing it to the other band for safe keeping. Lakkiotakis was a notorious thief and murderer, who was described to me by Christians as ready to kill any one for 10 piastres (2s. 7d.). He and his two co-religionists were not killed by their Mussulman associates, but by others, who, during two days, prevented Christians from approaching the corpses. They had to be carried off during the night.

One Mussulman was killed in this district, and another wounded, who is said to have died from his wounds.

Profanation of churches and violation of tombs.

District of Cydonia.

As mentioned in my special Report, with the exception of three monasteries in the Plain of Halepa, wherein Christians heaped their goods and furniture, and which were guarded by soldiers, all churches, chapels, &c., amounting to about forty in number, within reach of native Mussulmans, were more or less profaned, wrecked, destroyed, or partly burnt, and tombs were violated in more than one locality. But with the exception of the village of Galata, soldiers had nothing to do in these sacrilegious acts.

Christians dealt in a like manner with the only five mosques within their reach in the Provinces of Canea and Sphakia.

At a later period, soldiers committed the following profanations:—

Breaking of a picture of a saint in a niche at Lakkos.

Small chapel near village of Platania. A picture of a saint was cut through with bayonets, and cut to pieces. They were handed to the Russian Consul, who sent them to the Vali.

Another small chapel near Mournies. Pictures of saints cut to pieces, and part of the woodwork on which they hanged partly broken.

Janni Tzortzakis, or Phredianakis, related to me that the corpse of his nephew, Georges Tzortzaki, who had died one month and a-half before, had evidently been cut in pieces, as his mortal remains were found at a distance from each other. But Janni made no mention to me of the incident mentioned in the statement, concerning which there was, however, a vague rumour at a time when there were no Christians in the country to witness the outrages committed by native Mussulmans.

As Malitzevelaki was buried at Galata, his case and that of an old woman may be connected with the statement made to me in that village of human remains having been thrown into as many as fifty water-tanks, a number for the correctness of which I cannot vouch.

District of Kissamos.

The historical Convent of Gouverneto is on the promontory of Akrotiri, near Suda Bey, and is mistaken for a farm belonging to that Convent at Kissamos. This farm consists of ten rooms, only one of which was burnt by native Mussulmans, who also profaned the chapel. The whole damage may amount to 4*l.* or 5*l.* at most.

The new church at Castelli was not burnt. Its door was broken open, and very slight damage done to the woodwork supporting pictures. The relics of saints were thrown away, but not disposed of, as stated in the Memorandum. Two pictures were

cut to pieces, and two big ones, which were recovered, were used as bed planks. Silver votive tablets, worth 9*l.*, and church linen, valued at 3*l.*, were stolen, which, together with the damage to door, &c., are reckoned to represent about 16*l.*

Soldiers had nothing to do in this outrage, but they despoiled the Chapel of Malathyro. The perpetrators of this profanation were discovered, severely punished, and the stolen property was restored to its owners.

Two other small chapels were profaned at a later period by soldiers; one near the village of Kouneni, the other at Strovles. The value of the stolen votive tablets amounted, in the first case, to 8*s.*, and in the second to 2*s.* 7*d.*

District of Selinos.

The soldier who committed the profanation at Coustoyerako was discovered, and so severely beaten by order of the Military Commander, Ibrahim Pasha, that he was almost left for dead.

The cases of the two priests are minutely related in my report of inquiry in the district of Kissamos, and part of that of Selinos.

PROVINCE OF SPHAKIA.

Murders and other Outrages.—District of Apokorona.

I have not yet visited this district, but expect to be able to do so shortly.

According to reports, imprisonment and beating have been so common as to require no details in support of the assertion.

Pending my investigations on the spot, I may mention that the former Primate of Vamos has informed me that the only outrage against women is an offer of 3 dollars for improper purposes, which was refused.

The case of Hadjidki, or Hatzí Keraki, is unknown to all those from whom I inquired; among others, the Greek Consul-General.

A rumour was, in fact, afloat that women were conveyed from villages to prison in an iron frame, but laughter is provoked by my inquiries on the subject.

I shall speak later on of Georges Koukabassaki.

No Christian was murdered by Mussulmans in this province.

Pictures of saints were broken by soldiers in the church at Vafé, but their being exposed to public derision in a place exclusively inhabited by Christians appears strange. One broken picture was brought to the Russian Consul.

PROVINCE OF RETHYMO.

Murders and Torture.—District of Rethymo.

Avdanites.—This murder took place before the recent complications.

M. Apostol Gallianos is no other but one of the nine brigands who attacked the village of St. George. He was killed, in self-defence, by one of the Mussulmans murdered immediately after. The second Mussulman killed was his father, who was 80 years old; and blind.

Panagiotis Boyatzis enjoys perfect health. Andrea Manolakis and his son were murdered by a very savage Turk, capable of any barbarity, but no one knows of their having been skinned. Yanouli Uzordzaki was killed, and Alexi Plateraki was wounded in the village of Atzipopoulo. The latter died of his wounds at Geraniotica Pigadia. Thus, five murders are reduced to two.

Dilidaki and Apostolaki, who is again mentioned as killed near Thymara, are the only two Christians murdered by Mussulmans at, or rather near, Gognia, and Tsangeraki was killed by a Christian while attempting to carry off a Christian girl. Six cases reduced to two.

George Kalpora murdered.

On the whole, the list of twenty is reduced to ten.

Mr. Vice-Consul Trifilli, who gives me the foregoing information, excepting that concerning Tsangeraki, adds that one Christian is said to have been killed at Hamalevri and another at Armenous, where one was also wounded on the 14th September last.

The corresponding number of Turks is: 18th July, 2 murdered; 25th July,

1 wounded; 2nd August, 1 murdered, 2 wounded; 6th August, 1 murdered; 17th August, 1 murdered, 3 wounded, one of whom died; 14th September, 1 wounded. Total, 12 Christians murdered, 1 wounded; 8 Mussulmans murdered, 5 wounded.

Profanation of Churches and Violation of Tombs.

As at Canea, all churches and chapels within reach of Mussulmans were profaned, and more or less pillaged or damaged. Soldiers took no part in any of these acts; but the Governor was an impassible witness of all these sacrilegious acts, without even trying to recover, or at least to prevent the sale of, the spoils, which took place at public auction in the streets of Rethymo.

PROVINCE OF HERACLION (CANDIA).

District of Pedidda.

I just receive from Mr. Vice-Consul Calocherino the following additional information:

Mussulmans made excursions into this district on 1st, 2nd, 3rd, and 4th August. On the 5th they were beaten by Christians at Apano Archanes, and on the 6th at Episcopi. Three-fourths of all houses were destroyed and burnt by Turks, only in the villages of Scalani and Sainte Paraskives; in the other villages mentioned in the Memorandum less damage was done, and in some of them, as Gouves and Kenourghio Chorio, very little.

District of Temenos.

The village of Vassilies is totally destroyed and burnt. Of M. Capnisto's farm only the walls are standing. Casks of wine were stolen, but recovered afterwards with the assistance of the Government.

District of Messara.

Not a single Christian house is destroyed in this district.

In reply to an inquiry on my part whether troops assisted in any way native Mussulmans in their depredations, Mr. Vice-Consul Calocherino answers "Yes, to a certain extent, under the pretext of recovering stolen property. Such complaints were made by the Christians of the villages of Charakos and Panaghia."

Acts of Brigandage and other Outrages.—Heraction (Town of Candia).

At Ghiophiri Camora, two Christians from Garago of Mylopotamo (Rethymo) were wounded and robbed by Turks.

Murders and Torture.—Heraction (Town).

At Rousses, close to Kakou Oros, on the 30th July, Nicola Potagiamiaki, his wife, and two sons were murdered by Mussulmans. His daughter was severely wounded, and her throat partly cut. Her life was saved, but she became and remains mad. Fraghio Gallionakis was shot at and killed by Mussulmans, and his son slightly wounded.

District of Pediada.

At Anopolis, Nicolas Shivalhetakis was murdered, so was Minas Macrakis at Elia. Besides the foregoing, the following Christians were murdered: 2nd August, 1 Italian; 4th August 1, and 6 more at unknown dates. When Mussulmans attacked the village of Archanes, 4th August, 4 of its inhabitants were killed.

The corresponding number of Mussulmans, according to a note from the Vali, is: 2nd August, 1; during attack on Archanes, 5; 4th August, 1; and at unknown dates 8; and 1 on the 16th August. Total Christians murdered, 19. Total Mussulmans, 16.

The alleged rape at Grygoria or Gregoriani by some soldiers of a married woman, and not on a girl, as stated in the Memorandum, was the object of a special investigation on my part on the spot. (Printed despatch 8th October last.) Kanaki Gargero, the husband of the alleged victim, declared to me in the presence of Papa Michalis Petiakis, the priest of the neighbouring village of Margaricari, of the Elders of Grigoria, Petros Lenakis and Elia Khigatakis, and of many others whose names I have not taken down, in fact nearly all the male population of the village, that nothing of

the kind had ever taken place, that it was a slander, and that he intended to prosecute the slanderer.

The priest of Grygoria, whom I saw later on, as in fact all the others, had heard nothing of the alleged rape by soldiers until I mentioned it to them.

There never were rumours of rapes of women in the Province of Candia, except the one just mentioned and another at Kato Mulia, of which I shall speak hereafter. As there is no village in the district of Pediada, nay, in the Province of Candia, of the name of Milia, which is mentioned in the Memorandum, there is evidently a confusion between Milia and Kato Mulia.

District of Monofatzi.

The victim was neither a girl nor a widow, but a married woman, living apart from her husband, Valerio, to whom she was married against her will, and with whom she lived on bad terms.

This circumstance was mentioned to me by the Christian Government Counsellor, who held a second inquest in the case (published despatch of the 14th October last).

Christians have never hinted that soldiers had anything to do in this murder, nor in the alleged rape, which was attributed to native Mussulmans. According to Christians, the woman was murdered by native Mussulmans; according to the latter, by her husband.

On the 23rd instant Mr. Vice-Consul Calocherino writes to me: "The Archbishop tells me that the murderer of the woman is unknown, as there are no proofs."

Profanation of Churches and Violation of Tombs.

Besides the list already given of 57 churches, the following were burnt or destroyed: 3 churches at Vassilies, 2 at Archanes and Temenos, 1 chapel and 1 church, not quite finished, near the town. At Scalani was opened the tomb of a priest who had died a few months ago. And so Turks did in many other villages.

Forced Emigration and Disappearance of Cretan Christians, caused by the Military Authorities of the Island.

Jean Anasvassaki was condemned to fifteen years' detention in the castle at Mossul. He is one of the five Conservative Deputies who signed the Decree of Annexation with Greece.

Russo Christodulaki was condemned to death, but his penalty was commuted by the Sovereign to imprisonment for life, and he was sent to the Island of Rhodes to undergo his punishment. It is stated in the sentence that while he was a lieutenant in the gendarmerie at Apokorona, he appropriated the salaries of his subordinates and burnt official documents and archives, for which he was condemned, but managed afterwards to be appointed Administrative Counsellor; that by the depositions of the other Administrative Counsellors he repeatedly stated, without restraint, that he had twice caused an insurrection against the Sultan, and that now he would, and had the means of so doing again; that letters written by himself during the recent disturbances contain such sentences as this: "Mussulmans are massacring Christians," which, not being true, were calculated to excite his co-religionists; and that he has given advice and assistance to the manifestants.

Andrea Geraniotti was imprisoned on accusation on political grounds brought against him by Christians of the opposite faction. He is the Judge of the Peace at Kissamos, whose case I mentioned in my despatch of the 21st September last as having attracted the special attention of the Vali, who protected his wife Geraniotti, who was found "not guilty" by the Court-martial, and was released on the 12th October last (30th September, o. s.).

Panaghioti Dyctaki and Emmanuel Marcardonaki were similarly imprisoned on the denunciation of Christians belonging to the opposite political party. They are still in prison, but the cases are not brought to an end, in order to enable them to avail themselves of the expected amnesty, as their sentences, if issued, would turn against them.

Limpritis, formerly a Clerk in the Tribunals, together with many other Christians of Candia, went to remonstrate with the Governor of that town about Turks entering the town and turning Christians out of their houses. He was accused of abusive language against the Pasha, and of brandishing his revolver in the presence. The

accusation having been proved, most of the members of the Court-martial were of an opinion of inflicting a severe punishment; but the President of the Court insisted, and prevailed on his being only condemned to six months' imprisonment, including the time he had already spent in gaol.

Haralampo Maris, while labouring under the excitement caused to him by the murder of his brother-in-law, Michel Kounelaki, set fire to two Turkish houses, which were partly burnt. During my recent trip at Kissamos, hearing that the damage amounted to only 8*l.*, and that his father was willing to pay, I recommended his case to the Mussulman Government Counsellor, who, in fact, assisted, but was unable to settle matters in consequence of the opposition of the Christian Governor of that town. Besides belonging to the opposite faction, the latter is far from being friendly to the Maris, the young girl whom Andrea Geraniotti married, and whom the Governor coveted for his son, being one of their family. Shakir Pasha has now taken the case in hand.*

Giorgis Anagnostis Gogonis, Governor of the district of Aghios Vassilios, was condemned to imprisonment for life, a penalty commuted by the Sovereign to perpetual banishment at Konia, with permission to be accompanied by his family. The sentence sets forth that he convened meetings and joined the manifestants; that he signed letters drawn up in their meetings, addressed to the people, containing such sentences as these: "As we understand that the Mussulmans of Selinos are about to be called into the town, if the inhabitants of Selinos, Kissamos, and Cydonia invite those of Apokorona, we shall answer the call, in order to exterminate by fire the Mussulmans on their way. This fight shall have great consequences with regard to the solution of the Cretan question;" that he used the influence he enjoyed by his position for troubling the public peace by placing himself at the head of insurrectionary meetings; and that, although he surrendered himself to the expeditionary corps, this circumstance does not free him from punishment.

George Kokoubashaki in the Memorandum, but really Kodzabassaki, a clerk in the Government office at Sphakia, was condemned to twelve years' detention in the fortress of Synope. The sentence states that ever since the breaking out of disturbances he excited Christians to insurrection, signing the letters written by Siphakas, the head of the manifestants; that in one of these letters occurs the following sentence: "As Mussulmans intend to emigrate from Selinos, we shall all start in order to exterminate them on the road by fire and steel;" that he was the emissary between Siphakas, Kakouris, and their band, for convening meetings; and that he was communicating to the manifestants the measures adopted by the Government, &c.

Artemios Nicakis was condemned to perpetual banishment at Oushak, with permission of taking his family with him. The sentence sets forth that, accompanied by armed men, he was going from village to village recommending the inhabitants not to obey the Government, and not to pay the tithe, as Kakouris would collect it again from them; that he hoisted on the top of his house a flag, painted red in the four corners, with a cross and other emblems underneath, which was written in Greek, "Liberty for ever," and his name, and that he also was exclaiming, "Huzza for war." As Nicaki had not the means of conveying his wife with him, the Vali paid a second-class cabin on board the steamer for both.

By the sentences just published, I find that three other individuals, whose names are not given in the Memorandum, were likewise condemned on political grounds.

Em. Tsapaki was condemned to three years' imprisonment at Argana Maaden, to be reckoned from the date of his apprehension. He was a gendarme, deserted, carried letters for, and otherwise assisted, Russo Christodulaki in his insurrectionary proceedings.

Em. Varidaki, a shoemaker, wrote to his wife in the country that his life, and those of the public at large, were in danger. As this letter, which contained many insurrectionary expressions, could not be kept secret, and as it was sure to excite the people, the writer was condemned to three years' exile at Amaisia, to be reckoned from the date of his first imprisonment.

Constantinos Tsangarakis was condemned to five months' imprisonment for having thrown two stones against the lights illuminating the town of Rethymo, on the anniversary of the accession to the Throne of His Imperial Majesty the Sultan.

All the punishments inflicted in the forementioned sentences (printed copies of which are contained in the inclosed official Gazettes, Nos. 1112, 1113, 1114, and 1116) are based on Articles of the Civil Penal Code.

* Maris was released.

RECAPITULATION of Murders.

	Christians.	Turks.	Total.
Province of Canea—			
District of Canea proper	7	2	9
Troops have wounded 1, killed	3*	..	3
Soldiers killed by Christians	..	14	14
District of Kissamos	6	..	6
" Selinos	3	2	5
Province of Rethymo	12	8	20
" Candia	19	16	35
Total	50	42	92

As a complement to the foregoing details, I subjoin the official statistics of the buildings burnt and damaged during the recent disturbances.

N.B.—The number given below of private buildings is not that of houses, but of rooms, under which denomination are included kitchens, &c.

Districts.	Mussulmans.			Christians.		
	Private Buildings.	Mosques.	Schools.	Private Buildings.	Churches.	Schools.
Province of Canea—						
Canea proper	450	1	5	705	2	36
Kissamos	838	1	6	224	..	1
Selinos	236	1	4	64	..	..
	1,524	3	15	993	2	37
Province of Sphakia—						
Apokorona	266	2	2	2	..	..
Aghios Vassitis	23	..	..	..	..	..
	289	2	2	2	..	..
Province of Rethymo—						
Rethymo proper	115	7	4	16	9	32
Mylopotamo	50	2	2	1	..	..
Amari	209	7	..	..	..	..
	374	16	6	17	9	32
Province of Candia—						
Kenniro-Messara	1,990	13	7	..	..	..
Monofatsi	932	9	3	170	1	..
Pectada	823	10	3	996	1	42
Malivisi	414	4	1	278	1	4
	4,209	36	14	1,444	3	46
Province of Lassithi—						
Mirabello	34	..	..	..	..	..
	34	..	..	..	..	..
Total	6,440	57	37	2,456	14	115

In addition to the foregoing, about 1,000 Christian and 324 Mussulman houses were deprived of their doors and windows, most of which were subsequently recovered.

Churches consisting of stone vaults, the buildings themselves have little, or not suffered, but the woodwork inside was more or less damaged and burnt. The mosques at Boukolies, Selinos, Armenous, and Calyves, of which last village the minaret was pulled down, were similarly built. The thirty-six mosques in the Province of Candia were all burnt down or destroyed. The sixteen at Rethymo have suffered somewhat less. One Tekke was burnt at Candia.

* Two were killed while fighting against troops.

It is most difficult to fix an average value of the damages that have accrued to private buildings. However, 10*l.* can be taken as representing the value of each room as described above. The Government is giving, as relief, fifteen planks and seven rafters per room; 58,000 pieces were sent from Constantinople, and as many more have been applied for.

Christian houses in the vicinity of the town are superior to Mussulman houses in the villages; of course, there are exceptions.

As the average number of rooms on the forementioned figures is reckoned to consist of three per Christian, and of one-third less for Mussulman houses, the respective damage would be 30*l.* and 20*l.* for family. But by this same proportion the number of families which have suffered from the recent disturbances would be 800 Christian against 3,200 Mussulman, or exactly four times as many.

(Signed) ALFRED BILIOTTI.

Canea, Crete, November 1889.

No. 131.

Consul Biliotti to the Marquis of Salisbury.—(Received December 10, 8:30 P.M.)

(Telegraphic.)

Rethymo, December 10, 1889, 3:35 P.M.

Anari, December 9.—The following is the substance of the Imperial Firman, dated 1st Rebi-ul-Akher, 1307 (24th November, 1889), and published on the 6th instant:—

1. The political administration and the military duties in Crete are to be confided to two high officers, independent of each other, but both powers may be vested in the same person.

2. The tenure of office of the Vali is not to be subject to a limitation of time. Misconduct and incompetency are the only two causes for which other officials of all ranks can be dismissed. Preference to be given in Government employment to those knowing Turkish. The number of officials to be decreased, and the salaries of those remaining in the service to be increased. The General Assembly to submit as usual their decision under this head to Imperial sanction.

3. Reduction in the number of Deputies to the General Assembly from 49 Christians and 31 Mussulmans to 35 and 22 respectively. Five electors to be elected in each Commune, and to assemble at the residence of the District Governor for the purpose of appointing the Deputies to the General Assembly. For the first year the number and proportion of Christian and Mussulman Deputies in each district is to be fixed by the Administrative Council, and for subsequent years by the General Assembly.

4. As President of this body the Vali is in duty bound to reject all interpellations on which the General Assembly may be incompetent to pronounce.

5. The following are precluded from becoming electors: Cretans having no landed property, not being Ottoman subjects, and being under 25 years of age. And from becoming Deputies: Cretans under 30 years of age, or those holding Government offices.

6. Judges to be elected as before, but the Minister of Justice to approve their appointment. The Sovereign to nominate Presidents of Tribunals and Public Prosecutors for life, but they will be liable to dismissal for misconduct. They may also be dismissed for taking part in political dissensions.

7. The gendarmerie is to consist of natives of other provinces of the Empire, Cretans being only admitted as privates.

8. Maintenance of the income hitherto apportioned for the use of the island, and renunciation in favour of local Treasury of any surplus going to the Imperial Treasury, which last will keep for its use the entire Customs revenue. The General Assembly to fix an annual sum in place of the tithe now paid on olive oil. As Cretans are exempt from military service, and from the exemption tax connected with it, as they pay no taxation on landed property, and as only a trifling sum is levied on sheep and goats, any deficit in the public expenditure to be covered by the General Assembly imposing new taxes for the purpose of covering outlays for public works.

9. In order to provide funds for keeping the towns clean, municipal duties on petroleum, slaughter-houses, and the like can be increased.

10. All clauses of previous Firmans which are not repealed by the present Firman are to remain in force. Proclamation of amnesty for political offences with the

exception of individuals actually condemned before the publication of the present Firman, of leaders in late disturbances, and of offenders at common law.

I apprehend that, if not rendered worse, the situation will not be ameliorated by the provisions of the Firman just published.

No. 132.

Sir E. Monson to the Marquis of Salisbury.—(Received by telegraph, December 11.)

(Extract.)

Athens, December 11, 1889.

M. DELYANNIS yesterday announced that he would raise, either to-day or to-morrow, a debate on Crete, employing the contents of the Blue Book as the basis of his arguments. This notice was given in answer to M. Tricoupi's renewed refusal to produce documents, on the ground that the Firman by no means settles the Cretan question, but has only developed a new phase of the difficulty.

No. 133.

Consul Biliotti to the Marquis of Salisbury.—(Received December 13, 3.45 P.M.)

(Telegraphic.)

Rethymno, December 13, 1889, 1.30 P.M.

Arcadi, December 11.—There are no cases of rapes of women in the districts of Aghios Vassilios and Amari; and the only complaints against soldiers are the profanation of two isolated chapels, and petty robberies, all of old date, from three chapels. A month and a-half ago, while recovering stolen Mussulman property, the gendarmes beat and ill-treated the Christians. There are but very few cases of recent date. Christian houses have suffered no damage, and, with the exception of one spot, the damage to Mussulman houses is slight. Christians laying in ambush about a fortnight ago killed four and wounded three soldiers in district of Sphakia.

No. 134.

The Marquis of Salisbury to Sir W. White.

Sir,

Foreign Office, December 17, 1889.

I SAW the Turkish Ambassador to-day, and his Excellency inquired whether it was true, as had been reported, that I had addressed a remonstrance to the Porte in consequence of the Firman of Amnesty for Crete having been adopted without any consultation with the Great Powers.

I replied that I had not done so, because I did not conceive that I had any right to demand such a condition from the Government of His Majesty the Sultan, or that such a demand would be justified by the existing Treaty Law of Europe.

At the same time, I thought it my duty to say, as he had mentioned the subject, that I did not think the course which the Turkish Government had taken in respect to the question of amnesty, so far as I was acquainted with it, was one of which I could commend the prudence. I did not dispute that it might be necessary to modify, in some particulars, the Organic Law under which Crete was at present governed; but if that was done, it would have been, in my judgment, very desirable that the modification should have been accompanied by a measure of amnesty as unrestricted and liberal as possible.

The Turkish Ambassador said that the Porte had been deeply impressed with the inexpediency of allowing men to return to Crete, and exercise anew their influence over their fellow-citizens, who had been again and again convicted of treasonable practices towards their legitimate Government.

I am, &c.
(Signed) SALISBURY.

Sir W. White to the Marquis of Salisbury.—(Received December 18.)

My Lord,

Constantinople, December 14, 1889.

I HAVE the honour to transmit herewith a copy in French of the Firman addressed by His Imperial Majesty the Sultan to Shakir Pasha, *ad interim* Governor-General of Crete, and which has been given to me unofficially at the Sublime Porte.

I have, &c.

(Signed) W. A. WHITE.

Inclosure in No. 135.

*Imperial Firman respecting the Affairs of Crete.**

(Traduction.)

(Après les titres d'usage.)

LE développement de la richesse et de la prospérité de l'île de Crète, et le maintien de la tranquillité de tous ses habitants ayant toujours été l'objet de notre plus vive sollicitude, nous avons jugé nécessaire pour atteindre ce but essentiel de prendre des mesures radicales propres à régulariser l'équilibre financier et à assurer dans l'île d'une façon parfaite le repos et la sécurité voulus.

Bien qu'en vertu des concessions accordées par les Firmans Impériaux du 25 Ramazan, 1284, du 5 Zil Caadé, 1295, et du 3 Zil Caadé, 1304, l'administration de l'île ait été dotée d'un régime spécial, les luttes de partis qui y ont lieu depuis un certain temps entravent le bon usage de ces privilèges. Mettant entièrement de côté toute considération touchant le bien-être de l'île, chaque parti n'a eu d'autre pensée que d'employer son influence au détriment de ses adversaires. C'est ainsi que les passions et les visées personnelles se sont développées et fortifiées sans aucun souci de la prospérité et du progrès de l'île. Il en est résulté des événements regrettables et des préjudices de toute sorte pour les habitants et le pays. La gendarmerie indigène, chargée du maintien de l'ordre, s'étant jointe aux fauteurs de troubles, le Gouvernement s'est vu dans l'obligation de s'imposer des sacrifices et des dépenses comme l'envoi dans l'île de troupes régulières de notre armée Impériale pour réprimer le désordre et assurer la sécurité publique.

D'autre part, l'équilibre du Budget ayant été compromis par les dépenses faites et les nouveaux emplois créés inutilement dans un esprit de parti, un emprunt de £ T. 60,000 a été conclu pour le rétablissement de l'équilibre budgétaire, et en vue de la prospérité de l'île et du bien-être de ses habitants, notre Trésor Impérial a, dans l'espace de ces trois dernières années, fait à la Crète une avance de £ T. 20,000 et un don de £ T. 2,500, et lui a cédé la moitié des revenus des Douanes, évaluée à £ T. 14,000 par an. Mais l'état précaire des finances de l'île n'en a pas moins continué.

Pour ces motifs et afin d'améliorer l'administration et les finances, d'assurer selon nos désirs le repos et la tranquillité, et d'augmenter la richesse et la prospérité de l'île, nous avons cru devoir conférer certaines attributions au Gouvernement Général et conséquemment introduire les modifications nécessaires dans quelques dispositions des susdits Firmans Impériaux, à savoir :—

1. Administration civile de l'île de Crète est comme par le passé confiée, conformément aux Firmans Impériaux susindiqués, à un Vali (Gouverneur-Général) nommé par nous, et la garde de nos forteresses et le commandement des troupes de l'île à un Commandant-en-chef.

Les postes de Vali et de Commandant sont indépendants l'un de l'autre ; toutefois les fonctions de Vali peuvent être en cas de besoin réunis par mon Iradé Impérial à celles de Commandant.

Le Vali sera assisté d'un Conseiller nommé par mon Iradé Impérial et choisi parmi les fonctionnaires supérieurs de mon Empire ; ce Conseiller sera Chrétien si le Vali est Musulman et Musulman si le Vali est Chrétien. Il aura pour attributions de donner, le cas échéant, son avis au Gouverneur-Général sur les affaires de l'administration de l'île, de prendre connaissance des pièces relatives aux affaires, de présenter au Vali celles qui, ayant quelque importance, devraient lui être soumises et d'y donner suite d'accord avec lui. En cas d'absence du Vali, il le remplacera provisoirement et sera, de droit, membre du Conseil d'Administration. Les adjoints des Gouverneurs

* For translation, see Inclosure in No. 143.

et des Sous-Gouverneurs seront également membres, de droit, des Conseils d'Administration de leurs arrondissements et cantons (livas et cazas).

2. La durée des fonctions du Gouverneur-Général ne sera plus limitée. Aucun fonctionnaire en service dans l'île, à quelque rang qu'il appartienne, ne sera destitué à moins d'être convaincu d'un délit ou d'un manque de capacité de nature à entraîner sa révocation. Dans le choix des fonctionnaires, la préférence sera donnée à ceux qui connaissent le Turc. Les émoluments des fonctionnaires ayant été ces temps derniers réduits dans le vilayet d'une manière incompatible avec l'importance de leurs charges, l'Assemblée Générale délibérera sur leur régularisation et leur augmentation à un taux convenable ainsi que sur les modifications qu'il est nécessaire d'apporter dans l'organisation des cantons et des communes. Ses décisions seront, suivant l'usage, soumises à ma Sublime Porte par le Gouverneur-Général, qui agira d'après les ordres qu'il en recevra.

3. Comme le nombre des membres de l'Assemblée-Générale fixé par les Firmans Impériaux n'est pas proportionné à celui des habitants de l'île et occasionne ainsi des dépenses superflues, et comme le mode d'élection a besoin d'être modifié jusqu'à un certain point, les membres de cette Assemblée seront réduits à 5 pour cent, dont trente-cinq Chrétiens et vingt-deux Musulmans, suivant l'ancienne proportion existant entre les deux classes de la population. Ces membres seront élus désormais dans les Cantons par des Délégués électeurs choisis et désignés eux-mêmes, au nombre de cinq par chaque commune et qui se réuniront au chef-lieu du canton (caza). Quant au nombre des membres à élire par chaque canton suivant le chiffre de ses habitants et à la question de savoir en quel nombre y figureront les membres Musulmans et Chrétiens par rapport à la proportion des deux populations, ces points seront déterminés la première année par le Conseil d'Administration en attendant qu'un Règlement spécial voté par l'Assemblée-Générale vienne régir la matière dans les formes établies.

Est maintenue la règle en vigueur suivant laquelle l'Assemblée peut, comme il est dit dans le Firman Impérial de 1295, arrêter à la majorité des deux tiers des voix et à la condition de le soumettre à l'approbation de notre Sublime Porte, tout projet de Règlement nouveau ou modifié sur des questions d'ordre intérieur d'un intérêt purement local.

4. La direction des délibérations de l'Assemblée et le désir de rejeter toute proposition tendant à la mise en discussion de questions dépassant ses attributions, appartiennent au Gouverneur-Général, qui en a la présidence.

5. Ne peuvent être désignés comme délégués électeurs, les habitants qui ne sont ni sujets Ottomans ni propriétaires d'immeubles dans l'île, ni ceux qui n'ont pas atteint l'âge de 25 ans et, comme membres de l'Assemblée, ceux qui n'ont pas 30 ans révolus ou qui occupent des fonctions civiles ou judiciaires.

6. Les Juges seront élus comme par le passé, mais la liste en sera transmise au Ministère de la Justice pour être approuvée.

Vu cependant l'importance des fonctions dévolues aux Présidents des Tribunaux et aux Procureurs-Généraux, ceux-ci seront nommés par mon Iradé Impérial et resteront inamovibles à moins qu'une cause légale entraînant leur destitution ne vienne à être établie. Leur participation aux luttes des partis sera considérée comme un motif légal de révocation.

La nécessité d'introduire certaines réformes dans le domaine judiciaire selon les exigences locales étant reconnue, les modifications nécessaires seront discutées et arrêtées sur les lieux et référées à ma Sublime Porte.

7. L'Article 12 du Firman de 1295 accordait la préférence aux indigènes dans la formation de la gendarmerie de l'île. Toutefois, comme cette disposition a donné, ainsi qu'il est dit ci-dessus, des résultats plutôt préjudiciables qu'avantageux, ce corps sera dorénavant recruté, suivant les exigences de la situation parmi les habitants des autres provinces de l'Empire, l'emploi des indigènes continuera à être également admis.

8. Les revenus qui ont été cédés pour l'administration locale appartiendront comme par le passé au vilayet. En outre, la moitié de l'excédent des revenus, qui, suivant les Firmans susmentionnés revient à mon Trésor Impérial, est abandonnée à l'administration de l'île pour être affectée à l'instruction et aux travaux publics. Quant aux recettes des Douanes, qui constituent en partie l'affectation nécessaire à l'entretien de mon armée Impériale se trouvant dans l'île pour le maintien de l'ordre et de la tranquillité du pays, elles appartiendront en totalité à notre Trésor, conformément aux Firmans de 1284 et 1295.

Comme dans le Budget du vilayet le chapitre des revenus présente chaque année un total tout différent en raison de l'alternat des années productives et des années

improductives pour les récoltes des olives qui sont le principal produit de l'île, et que parfois les revenus ne répondant pas aux prévisions, les comptes définitifs présentent un déficit, les revenus des dîmes devront, en vue de faire disparaître cet inconvénient, être répartis à forfait entre les habitants des villages sur la moyenne des revenus des dîmes de six années, dont trois productives et trois improductives. L'Assemblée-Générale arrêtera les détails de la mise à exécution de ce système d'une façon équitable.

Les dépenses devront être proportionnelles au montant réel des revenus qui sera ainsi fixé et déterminé.

En ce qui concerne l'élaboration du Budget, on devra prendre pour règle d'inscrire en premier lieu dans le chapitre des dépenses les appointements alloués aux différentes branches de l'Administration et leurs frais divers, le produit de la dîme des villages Vakoufs, et les dépenses urgents de même nature. C'est l'excédant que présenteraient les revenus sur ces dépenses qui devra être affecté aux constructions et aux établissements d'utilité publique ainsi qu'aux nouvelles dépenses qui seraient destinées à l'instruction publique. Dans le cas où cette affectation ne serait pas suffisante à couvrir les frais des constructions et des établissements jugés indispensables, du moment qu'outre l'exemption du service militaire effectif et par voie d'exonération dont jouit la population de Crète, l'impôt foncier et le droit de "temettu" n'ont jamais été perçus jusqu'à présent dans l'île, ainsi que cela se pratique dans les autres vilayets de mon Empire et que la taxe de six paras prélevée sur les moutons de l'île est bien inférieure à celle prélevée dans mes autres provinces, l'Assemblée-Générale devra pour permettre la réalisation des constructions et établissements projetés, créer de nouveaux revenus (pour lesquels il sera référé à notre Sublime Porte), par l'établissement d'un impôt d'une quotité convenable et par l'augmentation, dans la mesure du possible, de la taxe sur les moutons sans que l'affectation des dépenses réglementaires soit dépassée ni le fonctionnement des services publics entravé.

9. Le service de voirie et d'entretien dans les villes et les bourgs dépendant des moyens dont disposent les autorités municipales, dans le cas où les revenus municipaux tels que droits de contrats, de construction, de voirie, de gaz, et d'abattoir ne seraient pas suffisants à y pourvoir, l'Assemblée Générale aura à trouver les revenus nécessaires en créant, suivant l'usage, des droits municipaux afin d'assurer le bon fonctionnement des édilités.

10. Toutes les dispositions des privilèges et concessions accordés à l'île en vertu des susdits Firmans Impériaux resteront en vigueur en tant qu'elles ne sont pas contraires à notre présent Firman.

L'amnistie sera proclamée en faveur des criminels politiques, sauf pour les personnes qui ont été condamnées par la cour martiale jusqu'à la date du présent Firman et de sa promulgation pour les chefs qui ont fomenté des troubles dans l'île et les cas de droit commun.

Les points qui précèdent ayant été délibérés et approuvés dans mon Conseil des Ministres ont été soumis à ma sanction souveraine et revêtus de mon Iradé Impérial. En conséquence le présent Rescrit est émané de mon Divan Impérial.

A la réception de mon Firman Impérial tu proclameras et feras connaître à tous mes sujets indistinctement, habitant l'île, les bienfaits dont je les ai ainsi comblés, et après avoir fait enregistrer et transcrire mon Iradé Impérial dans les registres, tu veilleras à la stricte exécution de ses dispositions.

Le 1^{er} Rebi-ul-Akher 1307 de l'Hégire.

No. 136.

Sir E. Monson to the Marquis of Salisbury.—(Received by telegraph, December 18.)

(Extract.)

Athens, December 18, 1889.

THE debate upon the contents of the British Blue Book on Crete terminated last night, having lasted two days. No Minister and no supporter of the Government spoke, nor was any motion submitted to the Chamber, nor any division taken.

M. Delyanni made on the first day a speech of over three hours. His point seemed to be that it was clear from my despatches to your Lordship that the Greek Government was perfectly well informed upon all that was passing in Crete throughout the summer and autumn, and had failed to appreciate the tendency of events, or take precautions to prevent those Mussulman excesses which were the consequence of the submissive attitude counselled by the Greek Government to the Christians.

The other Opposition orators spoke much in the same sense.

No. 137.

Consul Biliotti to the Marquis of Salisbury.—(Received December 18, 3 P.M.,

(Telegraphic.)

Rethymo, December 18, 1889.

THE collision between three gendarmes and natives at Mylopotamo, which I reported about a fortnight ago from Canea, appears to have been owing to a mistake on the part of the gendarmes. Two months back an attempt at rape took place, and the tomb of a child was opened. With the exception of two cases, which were punished, there are no complaints at present against the troops or the gendarmerie. Little impression is produced in Liberal villages by incidents which would provoke loud complaints in Conservative villages.

No. 138.

Consul Biliotti to the Marquis of Salisbury.—(Received December 19, 10.30 A.M.)

(Telegraphic.)

Rethymo, December 18, 1889.

MY inquiries in the Mylopotamo district and in this town induce me to believe that, although very much dissatisfied with contents of Firman, Christians will not, and cannot, undertake any insurrectionary movement unless they are assisted by the Greek Government. A Civil Governor has been appointed in this town, and not a Military one, as was reported.

No. 139.

Sir W. White to the Marquis of Salisbury.—(Received December 27.)

My Lord,

Constantinople, December 23, 1889.

WITH reference to my despatch of the 16th ultimo, I have the honour to transmit herewith a copy of a Report addressed by the Commander of Her Majesty's ship "Fearless" to the Commander-in-chief, which has been forwarded to me by Sir Anthony Hoskins.

This Report may be of interest to your Lordship, as Commander Brenton brings out in a somewhat striking manner the favourable change which has taken place in the condition of the island since his last visit to Crete two months ago.

I have, &c.

(Signed) W. A. WHITE.

Inclosure in No. 139.

Commander Brenton to Vice-Admiral Sir A. Hoskins.

Sir,

"Fearless," at Suda Bay, December 2, 1889.

I HAVE the honour to inform you that upon returning to the station off Crete after an absence of two months, the improvement in the state of affairs in the island is very noticeable.

2. When the "Fearless" left Crete at the end of September, Shakir Pasha had been occupying the post of Vali for some little time, and had just completed the disposition of the troops and the other arrangements which it was hoped would lead to the pacification of the island and the restoration of order. From my observations in the neighbourhood of Canea and by the reports from Megalo Kastron, Rethymo, and the other parts of Crete, he appears to have been most successful in accomplishing his purpose.

3. The first thing that strikes one on walking through the country is the absence of the "militarism" that existed the last time I was here. It was then impossible to move without being challenged by sentinels at each turn; now very few soldiers are met with out of the town, and the peasantry are all busily employed cultivating their fields, to all appearances, in perfect peace and happiness.

4. The island has been subject to heavy rains during the month of November,

which appear to have extinguished both the political and material fires which were still smouldering in the autumn.

5. From all I have heard and seen, it is plain that the natives of Crete generally have no substantive grievance against the Turkish Government, and, as it is impossible to remain during the winter in the mountains cherishing, amidst drenching rain, a sentimental aspiration for unity with Greece, it is probable that little more will be heard of the manifestants and their bands until next spring, and not then, unless the somewhat unwilling peasantry are again stirred up by outside influence.

6. The steps taken by Shakir Pasha in restoring order have been much criticised, his severity exaggerated, and the conduct of the troops maligned. By all inquiries I can make, I believe the Vali has not acted in suppressing disorder with anything like the sharpness which our own Government found necessary in dealing with Egypt in 1882.

7. Some grave charges of misconduct brought against the Turkish troops have been sifted to the bottom and disproved.

8. It does not appear that the Turkish soldiers have behaved worse than any European regiments might be expected to do under similar circumstances.

9. The Firman for the general amnesty has not, up to the present, arrived from Constantinople.

10. It is noticeable that the "Cretan question," which commenced by the rivalry of two Christian parties in the Representative Assembly, and which, on the Turkish Government lending its support to the Liberal majority, gradually assumed the aspect and bitterness of a religious faction fight, has, now that lawlessness is commencing to give way before the enactment of practical measures of reform, issued from the broad lines of Christian and Mussulman race-hatred, and entered once more upon the complicated and subtle distinctions of Liberal and Conservative aspirations.

11. The fact that satisfying Cretan demands does not depend solely upon the good-will of the Porte very much complicates the "question," and renders it very difficult for the Governor-General to find a solution of the difficulty which shall be satisfactory to all parties concerned. For instance, the Christian Liberal leaders having heard that a political amnesty was about to be granted by the Porte, waited upon the Vali to desire that this amnesty might not be made general, as otherwise they would be subject to the vengeance of their co-religionists on their return to the island. At the same time, the Athens papers are clamouring for a full amnesty.

The Greek papers also loudly demanded the abolishing of trial by court-martial, upon which the leaders of the Christian Conservative party waited upon Shakir Pasha to entreat that no such step might be taken, as the only alternative would be to revert to the Law Courts whose Judges are mostly Liberal, and from whom no Conservative could hope to get justice.

12. The British Consul informs me that in the cases now under trial before the courts-martial, the Christians are accused and condemned nearly entirely by the evidence willingly tendered of their co-religionists.

13. Mr. Biliotti, the British Consul, has requested me to accompany him on a visit to the Province of Rethymo, where he wishes to sift some charges of barbarity against the Turkish soldiers, which have found expression in statements made by Cretan refugees to the British Minister at Athens.

I propose to start to-morrow.

I have, &c.

(Signed) REGINALD CAREY BRENTON.

No. 140.

Consul Biliotti to the Marquis of Salisbury.—(Received December 27, 12.30 P.M.)

(Telegraphic.)

Canea, Crete, December 27, 1889.

I RETURNED last evening from my trip. In the district of Rethymo there are no serious cases. In that of Apokorona there are, on the contrary, many complaints, of old and recent dates, against troops and gendarmes. A Christian was killed by them towards the middle of November last. His co-religionists retaliated by murdering two gendarmes and wounding one. Towards the end of the same month another Christian was killed, and it is said mutilated. Between that date and the 12th instant five soldiers were killed and four wounded. In the districts which I have visited, as well as here, Albanians generally give satisfaction; but there are great

complaints against those who are natives of other provinces, and especially against the native Mussulmans of this island.

No. 141.

Consul Biliotti to the Marquis of Salisbury.—(Received December 27, 11:30 A.M.)

(Telegraphic.)

Canea, Crete, December 27, 1889.

AT Apokorona, Selino, and Canea the dissatisfaction created by the Firman is stronger than in other parts of the island, but, in any case, the future tranquillity of Crete depends on the attitude of Greece. However, if, as I am induced to believe by a few words exchanged with the Vali, the Firman, which appears to present sufficient elasticity, be modified in its execution, there may be some hope of moderating the prevailing excitement. The main point is the financial question.

No. 142.

Sir E. Monson to the Marquis of Salisbury.—(Received December 30.)

My Lord,

Athens, December 10, 1889.

IN the "Nea Ephemeris" of this morning there is a report of a meeting held yesterday at the Police Office by the Committee for the Relief of the Cretan Refugees, presided over by the Metropolitan.

In answer to their request that he should advise them as to the expediency of their returning to the island, his Eminence is stated to have addressed the Cretans present to the following effect:—

That the Government had for some time hoped that the sojourn of the refugees in Greece would be only temporary, and had, in consequence, taken measures for their provisional relief. But that now that the fatal Firman has been issued, the Government sees that the return of certain of the refugees to their homes is impossible, and is therefore making arrangements for a continuous and more regular system of relief until Providence solves the difficulty which has been created by the injustice of a neighbouring Power. The Cretans must have patience, and must confide in the anxiety of the Government to find for them ample means of subsistence in this free country.

M. Ricakis, a distinguished Opposition Deputy and ex-Minister, who is a member of the Relief Committee, addressed the Cretans in a similar strain, advising those who were not in danger to return to the island, and requesting that a list should be drawn up of those who must remain here, in order that the Government may arrange with the Committee as to the amount of pecuniary assistance to be given. He counselled patience until the watchword, which from this moment would be anxiously awaited, shall be given by United Greece for the combined effort to restore them to their homes.

The refugees expressed their concurrence, and, having kissed the Metropolitan's hand, withdrew.

The Metropolitan is regarded as a strong partizan of the Government, and his outspoken language on this occasion is very striking and significant.

I have, &c.

(Signed) EDMUND MONSON.

No. 143.

Consul Biliotti to the Marquis of Salisbury.—(Received December 30.)

My Lord,

Arcadi, Crete, December 12, 1889.

I HAVE the honour to transmit herewith a translation of the Firman issued under date of the 1st Rebi-ul-Akir, 1307, a succinct of which I sent to your Lordship in my telegram of the 9th instant.

In the village where I am at present Christians have had as yet no time to form an opinion as to the contents of this document; but I am informed by telegraph from Canea that the impression produced on Christians in that town is very bad, and that great discontent and disappointment are prevailing.

This feeling in the capital is certain to extend shortly all over the island.

Christians at large were prepared to accept important modifications in the privileges granted to them in former years, but, as I stated in a former despatch, the more or less favour with which these changes could be accepted depended on the manner of their being introduced in this island.

On some points the present Firman does not go beyond expected modifications, but not so in other points, one of the latter of which is the decision that Cretans are only to be admitted as simple privates in the ranks of the new gendarmerie.

With regard to Courts of Justice, the Firman maintained the right of electing their Judges, which Cretans at large would have waived without opposition.

The measure of appointing the Presidents of the Tribunals and the Public Prosecutors for life may somewhat ameliorate the condition of the Courts of Justice, but it does not do away with party feeling, which will persist in the election of Judges, nor with the partiality of the latter for their electors.

If, in maintaining this point, the Sublime Porte has had for its object to weaken the Christian element by party contests, this object is certain to be defeated by the decision taken with regard to the financial question.

The points concerning the Vacouof tithe and the Custom-house income will draw together both Christian political factions, and that will, at the same time, revive a strong feeling of animosity between the two rival creeds.

Christians would not have objected to the income being reduced to the exact requirements of the island, but not to less.

I am not at this moment in a position to give exact figures of the financial position made to them by the present Firman, but on an average estimate, not including educational establishments and works of public utility, nor the recommended increase of salaries, the amount of deficit cannot be less than 10,000 liras.

This point alone is sufficient for Christians to find fault with the whole contents of the Firman, and to keep the island in a state of continual excitement.

Independently of factions, country people were not over friendly to town politicians, mostly lawyers, and were anxious to be granted a less complicated procedure than the one in existence, by which they might have got rid, at the same time, of individuals living at their expenses, and of party leaders.

This essential point having been overlooked in the Firman, country people are again thrown in the hands of town politicians, who would have been quite powerless without the rural population siding with them.

If the Imperial Firman had not disposed of the financial question in so detrimental a manner for Christians, the situation might have been ameliorated.

It may happen that in so doing the Imperial Government was actuated by a strong motive, perhaps that of propitiating the feeling of Mussulmans; but, if so, the Sublime Porte must be prepared for a protracted military occupation of the island, and the expenses connected therewith might have been used for indemnifying Mussulmans for Vacoufs without indisposing Christians.

As it is, it may be expected that the latter will avail themselves of the first favourable opportunity for revindicating what they consider to be their incontestable right to grants made to them within the last ten years.

This opportunity is not likely to occur before next spring, but in the meantime murders between Christians and Mussulmans—the latter, natives, soldiers, or gendarmes—may be expected to take place during the whole winter.

Under these circumstances it can be considered that the measures ordered in the Firman are likely to complicate rather than to ameliorate the situation.

A happy eventuality that might avert serious perturbations in the island would be if, in order to evade the possibility of defraying their expenses with an inadequate income, Christians were to make up their mind to pay their share of tithe, leaving to the Imperial Government the care of meeting the public expenditure.

I have, &c.

(Signed) ALFRED BILIOTTI.

Inclosure in No. 143.

Firman dated 1st Rebi-ul-Akir, 1307.

(Translation.)

MY most wise Moushir, your Excellency Shakir Pasha, Extraordinary Military Commander and Governor-General *ad interim* in Crete, invested with the Osmanié in diamonds, and the first class Medjidié. May God increase your glory.

By my present High Imperial Firman be it known to you that to increase the welfare and the happiness of the island, as well as to secure the tranquillity and quiet of its inhabitants, being the object of my great solicitude and desire, it has become necessary, in order to attain this important end, to adopt radical measures regulating the Budget of the island, and restoring the convenient public order and tranquillity. Notwithstanding that the Government of the island had been placed under special Regulations in consequence of concessions made on the 25th Ramadan, 1284, 5th Zilcaade, 1295, and 3rd Zilcaade, 1304, the struggles which some time since have taken place in Crete between political factions have entirely perverted the beneficial purpose of the concessions. All care for the welfare of the island has been entirely forgotten, each political party having done their best to use their power to the detriment of their antagonists, and thus, instead of the prosperity of the island being increased, animosity and selfish objects have taken the lead, and resulted at last in unpleasant incidents, and general damage to the island and its inhabitants, whilst the native gendarmes, who were the guardians of the public order, have sided with the perturbators thereof. Under these circumstances, besides the Imperial Government having been under the necessity of undergoing cares and expenses in sending my Imperial troops to quell the disturbances, and to maintain the public peace and tranquillity, the Budget has been disarranged in consequence of new posts having been created, and items of expenditure inserted, beyond the real requirements, to such an extent that, in order to re-establish an equilibrium in the finances, a loan of 60,000 liras had to be contracted, and the Imperial Treasury was under the necessity, within the last three years, to grant a loan of 20,000 liras to the Cretan Treasury, besides assisting it by a gift of 2,500 liras, and half the revenue of the Custom-house of the island, amounting to 14,000 liras annually. All these measures were taken with a view to promote the welfare of the inhabitants of Crete, and the progress of the island. Notwithstanding all this, the finances of the island have continued in a critical and perturbed condition. Under these circumstances, it has been judged necessary to give certain directions for the government of the island, to be followed by due modifications in the fore-mentioned Firmans with the object of restoring public order, as well as placing the public finances in a stable condition, and thus re-establish the necessary tranquillity, together with an increase in the riches and general welfare of the island.

1. The political administration of Crete is confided, in conformity with the fore-mentioned Firmans, to a Governor-General, appointed, as hitherto, by us, and the military administration, as well as the keeping of my Imperial fortresses in the island, to a superior military officer. The political administration is separate from the military, but it depends on my Imperial will to transfer, according to circumstances, the political administration to the Military Commander. When the Governor-General happens to be a Mussulman, the Counsellor of the Government-General is to be a Christian, and *vice versa*, that is to say, when the Governor-General is a Christian, the Government Counsellor is to be a Mussulman. The Counsellor of the Government-General is to be appointed from among the high functionaries of my Empire, in pursuance of an Imperial Order from us, and is in duty bound to submit, when required for the consideration of the Governor-General, affairs concerning the administration of the island; to peruse official documents, point out to the Governor-General all those among them which are important and require his sanction, to carry them into execution, to act for him during his absence, and to be a regular member of the Administrative Council. The assistants of the Governors and Lieutenant-Governors will be regular members of the Administrative Councils in their respective districts.

2. The tenure of office of the Governor-General shall have in future no fixed period. As for the other functionaries in the island, whether of a higher or low rank, they shall not be suspended from their posts or dismissed until it is proved that they have committed some injustice calling for their dismissal, or that they are incompetent for the posts they hold. On the appointment of functionaries, the preference should be given to those acquainted with the Turkish language. As for some time the salaries of the public functionaries in the island have been decreased without regard to the importance of their offices, it is necessary that the General Assembly should take into consideration the regularization and due increase of salaries, as well as the execution of the necessary reforms concerning the reorganization of the different districts and Communes.

These decisions of the General Assembly are to be submitted, as usual, by the Governor-General to my Sublime Porte, and the orders given on this subject are to be duly executed.

3. As the number of Deputies ordered by the special Firman is out of proportion to the population of the island, whence it follows that an unnecessary outlay is incurred;

and as the mode of elections requires a certain modification, it is necessary that the number of Deputies to the General Assembly should be reduced to fifty-seven, of which thirty-five are to be Christians, and twenty-two Mussulmans, according to the recognized proportion as existing between the two creeds.

For the future, it is necessary that the Deputies should be elected by districts; that they should be elected by five electors appointed in each Commune, who shall assemble at the residence of the Governor of their respective districts. The number of Deputies who are to be returned in proportion to its population, and which proportion Christian Deputies shall bear to Mussulman in each district according to the respective members of the two creeds, are to be fixed for the first year by the General Administrative Council, and subsequently the General Assembly shall concert special Laws for the purpose according to existing custom. As it is mentioned in the Firman of the year 1295 that, in order to enact or to modify a Law already in existence, exclusively concerning the interests of the island and its internal administration, the existing system shall be maintained, which requires for these purposes a majority of two-thirds of all the Members of the Assembly, and that the decision shall be subsequently submitted to the sanction of my Sublime Porte.

4. As President of the General Assembly, the Governor-General is in duty bound to direct the motions made in the sittings, and to reject any proposals beyond its competence which might be brought forward.

5. It shall only be allowed to appoint as electors persons possessing landed property, being Ottoman subjects, and being no less than 25 years of age; and as Deputies to the General Assembly, persons of no less than 30 years of age, and not holding any administrative or judicial position whatever.

6. The Judges are to be elected as before, except that a list of their names shall be sent to the Ministry of Justice to be confirmed. However, owing to the importance of the offices of President of Tribunals and of Public Prosecutors, these functionaries shall be appointed for life by Imperial Order, and shall only be dismissed in the case of malpractice having been legally proved against them. Their participation in party contests shall be considered as malpractice. In order to improve the Judicial Service, in conformity with the requirements of the island, it is considered essential to discuss and enact locally the necessary modifications, submitting them for the sanction of my Sublime Porte.

7. Although, in conformity with the 12th Article of the Firman of the year 1295 for the formation of a corps of gendarmerie, preference was to be given to natives in all appointments made in that corps, nevertheless, because, as before stated, damage instead of advantage having accrued under this system, it is necessary henceforth that this body, according to circumstances, should be recruited among natives of other provinces of my Empire, with the faculty, however, for native Cretans to enter the ranks as simple privates.

8. The income allotted to the expenditure of the island shall belong, as formerly, to the local treasury; the half of the surplus which, according to the fore-mentioned Imperial Firmans, is appointed to my Imperial Treasury, is granted to the Local Government for the benefit of works of public utility and instruction. The Customs revenue, which is reserved to assist in the maintenance of my Imperial troops quartered in the island for the purpose of securing public order, shall entirely belong to my Imperial Treasury, in conformity with the Firmans bearing dates 1284 and 1295. The olive crop, which is the principal product of the island, being abundant every second year, there is consequently a great difference found between the income estimated for in the Budget and the actual yearly receipts. Therefore, in order to avoid this inconvenience, it is necessary to take as basis the produce of the tithe during three abundant and three deficient years, and to apportion the average on the number of inhabitants of the villages.

For the application of this system on a fair manner, it is necessary that the General Assembly should fix the details, so that the charges should be apportioned to the real amount of product which shall be ascertained and fixed by that body. With regard to the framing of the Budget, it is necessary to inscribe in the expenditure, first, the salaries and all charges connected with each branch of the Service, then the equivalent of the tithes from Vacouf villages, after which shall be added similar indispensable expenses. The balance to be expended in defraying the expenses of works and establishments of general utility, and for educational purposes. Should this balance be insufficient to meet the indispensable works of public utility, as Cretans are not liable to military service, or to exemption tax; as they are not subject to any tax on handicraft, or on landed property, similar to those which are levied in other provinces of the

Empire; and as in Crete sheep and goats pay only 9 paras, which is a trifle as compared to the taxation under this head in other places of my Empire, it is necessary that the General Assembly should devise new means for imposing in an equitable manner a tax on sheep and goats, so that the regular expenditure should not exceed the income, creating obstacles to the Service at large. It is, however, necessary that due permission should be applied for to my Sublime Porte, in order that the revenues derived from the new taxes should be duly applied to the intended purposes of public utility.

9. As the duty of keeping the different towns and boroughs in cleanliness and good order devolves upon each individual Commune, should the funds at the disposal of the Communal authorities—such moneys, for instance, as are obtained by fees levied on contracts for rent, on constructions for cleaning the towns, on petroleum, and on slaughter-houses—be found insufficient for the necessary local arrangements, it is the duty of the General Assembly to establish, according to custom, some further Communal taxes, in order to provide the means of maintaining the Communes in a fit and proper condition.

10. All the privileges and concessions granted by the fore-mentioned Firmans, and which are not in contravention with the present Firman, are maintained as heretofore. Amnesty is to be proclaimed for those accused of political offences, excepting those who have been actually condemned by court-martial up to the date of the publication of the present Firman, those who acted as leaders in the disturbances, and those who are guilty of offences at common law.

The foregoing Articles were discussed in, and adopted by, my Council of Ministers, were submitted to my high consideration, were sanctioned by my High Imperial Order, and the present Firman was issued by my Imperial Divan. In consequence whereof you, the forementioned Moushir, as soon as you receive my present Imperial Firman, you shall proclaim and make known to all my subjects in the island at large my Imperial benefits and favours which I thus confer upon them, and you shall take care that this Firman is duly inscribed in the archives, using all your endeavours in order that its contents should be fully and completely executed.

Written on the 1st Rebi-ul-Akir, 1307 (22nd November, 1889).

No. 144.

Consul Biliotti to the Marquis of Salisbury.—(Received December 30.)

My Lord,

Arcadi, Crete, December 12, 1889.

I HAVE not spoken in my preceding despatch of the amnesty which was expected with impatience as a means of putting an end to the anxiety prevailing on the island.

It was presumed by the public that after the proclamation of the amnesty the military occupation would have been gradually reduced, relieving Christians from the inconveniences connected with it.

I must confess that these inconveniences are not very serious.

They are limited to the occupation of a few Christian houses, mostly untenanted, and to the requisition of some pack animals for the transport of victuals.

In mixed villages Mussulmans are not spared in these respects. So in the village of Kosaré, in the district of Aghios Vassilios, on a total of thirty Christian houses and of seventeen Mussulman, the military authorities have taken possession of only six Christian and of thirteen Mussulman uninhabited houses, and this instance may be taken as a rule rather than as an exception.

But Christian feeling is quite different from Mussulman feeling with regard to the military occupation.

There is besides a general outcry with regard to soldiers uninterruptedly using village fountains and wells, and leaving no time for Christian women to fetch water.

Finally, the very rare cases of profanation of isolated chapels, &c., are unduly exaggerated by Christians.

However slight all these complaints may be, they should be judged by the impression produced on Christians at large, rather than by their real importance.

It is difficult to say by the wording of the amnesty ordered in the Firman of the 1st Rebi-ul-Akir, 1307, who are the parties that may benefit therefrom. The amnesty appears to be rather nominal than real.

There was already a certain number of individuals who were hiding and were only waiting for the promulgation of the amnesty to surrender. Their number is likely to be increased by those who may consider themselves as liable to prosecution.

Under these circumstances, the prevailing anxiety and discontent, instead of decreasing, is certain to augment the more so, that the military occupation, far from being reduced, is reinforced, fresh troops having been forwarded. since the promulgation of the amnesty, to Sphakia, Apokorona, and elsewhere.

I have explained in my preceding despatch the probable consequences of the modifications ordered in the Firman of the 1st Rebi-ul-Akir, 1307, especially with regard to finances.

The disappointment and discontent consequent on the amnesty being far from answering the expectations of Christians, are certain to produce further complications, which, added to those already described, can give an idea of the situation in which will be placed this island within a very short period.

I have, &c.
(Signed) ALFRED BILIOTTI.

No. 145.

Sir R. Morier to the Marquis of Salisbury.—(Received December 30.)

My Lord,

St. Petersburg, December 25, 1889.

M. DE GIERS spoke to me to-day about the so-called Cretan amnesty, and said that he had not yet had time to examine in all its details the Firman of the Porte, which was very long and very intricate. He had seen enough of it, however, to have come to the following conclusions: (1) that as regards the administrative reforms, something, perhaps, might be said in favour of them, seeing the peculiar circumstances of the case, and the undoubted evils of the present administrative system; but (2) that as regards the amnesty, properly speaking, it appeared to him wholly unequal to the task expected of it. The difference between political crimes and crimes at common law, in a revolutionary state such as that which the island had gone through, was one very difficult, if not impossible, to establish. But the great blot was the exclusion of the 3,000 refugees, the burden of whose maintenance by Greece was one of the most immediate dangers to be removed. Further, the continuance of the state of siege seemed a complete anomaly when looked at in connection with the policy of an amnesty.

I have, &c.
(Signed) R. B. D. MORIER.

No. 146.

Consul Biliotti to the Marquis of Salisbury.—(Received December 31, 10.45 A.M.)

(Telegraphic.)

Canea, Crete, December 30, 1889.

THE Vali has shown me the list, which he has just drawn up, of political offenders excluded from the amnesty. The exceptions are 38 in number, viz., 18 individuals actually condemned, 8 already condemned in default, 8 more whose sentences are under consideration, and 4 whose cases may be submitted to trial.

No. 147.

Sir E. Monson to the Marquis of Salisbury.—(Received by telegraph, January 2.)

(Extract.)

Athens, January 2, 1890.

I HAVE the honour to inclose copy of a French translation of a Circular in the Greek language, addressed by the Cretan Chiefs here to the members of the Diplomatic Body, and signed by a considerable number of them. This French translation accompanied the Greek version, and I am not responsible for it, but believe it to be fairly accurate.

The main point of this Circular is that the subscribers have sworn to take up arms against the Ottoman rule, and not to rest till the Greek flag waves over the island.

Inclosure in No. 147.

Circular addressed by Cretan Chiefs to Diplomatic Body at Athens.

M. le Ministre,

Athènes, le 14 (26) Décembre, 1889.

VOTRE Excellence n'ignore pas sans doute les luttes du peuple Crétois, les sacrifices qu'il s'est imposé pour secouer le joug Ottoman, luttes et sacrifices qui ont abouti au Règlement Organique de 1868.

Ce Règlement, modifié par la Convention de Halépa, ratifié par le Sultan, a été placé sous la sauvegarde du droit public Européen par l'Article XXIII du Traité de Berlin, qui l'a donné ainsi un caractère international.

Plus tard, le Firman de 1884 et de 1887 ont apporté encore des changements favorables.

Par le premier a été reconnu la dîme des villages Vakoufs en faveur du fisc Crétois. Le second attribuait à l'administration de l'île la moitié des recettes Douanières. Des nouvelles garanties données aux habitants de Candie formèrent la base d'un Arrangement conclu entre le Commissaire Impérial Ottoman Mahmoud Djélalédin Pacha et l'Assemblée Générale de Crète.

Notre malheureuse patrie fut régie par le Règlement Organique ainsi modifié, jusqu'au mois de Juillet dernier.

A cette époque les Musulmans de l'île, profitant de la rupture des négociations du Commissaire Impérial Mahmoud Pacha, se livrèrent à des atrocités telles qu'incendies, massacres, violations des sépultures, et autres faits non moins odieux. Ils provoquèrent ainsi l'envoi de nombreuses troupes Turques qui, au lieu de travailler au rétablissement de l'ordre, s'associèrent aux Musulmans indigènes pour compléter l'œuvre de dévastation qu'ils avaient commencé, et pour soutenir l'Administration Locale qui avait déjà entrepris des poursuites aussi injustes que féroces contre tous les Notables de Candie.

Telle était la situation, lorsque le Divan fit promulguer le Firman qui porte la date du 1 Revioul-Achir, 1307. Sous prétexte de rétablir l'ordre et d'assurer la prospérité des habitants il supprime arbitrairement tous droits, franchises, et privilèges garantis par le Règlement Organique et l'Acte Additionnel de Halépa, viole dans toute sa teneur l'Article XXIII du Traité de Berlin, assimile la province privilégiée et presque autonome de Crète à un vilayet de l'Anatolie, et fait revivre un état de choses qui rend désormais impossible la coexistence des Chrétiens et des Musulmans dans l'île de Crète.

- En présence d'un état des choses aussi déplorable notre malheureux pays ne saurait plus s'accommoder de la souveraineté Ottomane. Aussi allons-nous engager en implorant l'assistance Divine une lutte inégale pour la liberté, sans tenir compte des sacrifices qu'elle nous impose, des dangers dont nous sommes menacés. Nous tiendrons à l'honneur de garder fidèlement le serment que nous avons fait, de ne pas déposer les armes avant que le drapeau Hellénique ne flotte sur tous les points de l'île.

Privés des sympathies et de la protection des Grandes Puissances, en butte aux plus cruelles persécutions, et dépouillés, enfin, des privilèges acquis au prix de notre sang, nous pouvons nous rendre cette justice, que nous n'avons pas été les premiers à troubler la paix Européenne. Aussi, convaincus de la justice et de la sainteté de notre cause, nous espérons que Dieu et le monde Chrétien et civilisé aideront à la faire triompher.

Veuillez, &c.

Les Chefs Militaires et Députés de Crète,
(Suivent les signatures).

(Translation.)

M. le Ministre,

Athens, December 14 (26), 1889.

YOUR Excellency is no doubt aware of the struggles of the Cretan nation, the sacrifices which they have undergone in order to shake off the Ottoman yoke, which struggles and sacrifices brought about the Organic Law of 1868.

This Constitution, modified by the Halepa Convention which was ratified by the Sultan, was placed under the protection of the international law of Europe by the XXIIIrd Article of the Treaty of Berlin, which thus gave it an international character.

Later on, the Firmans of 1884 and 1887 also introduced favourable changes.

By the first, the tithe from Vakouf villages was recognized as belonging to the

Cretan Treasury. The second appropriated half of the Customs receipts to the administration of the island. Fresh guarantees given to the inhabitants of Candia formed the basis of an arrangement concluded between Mahmoud Djelaledin Pasha and the Cretan General Assembly.

Our unhappy country was ruled by the Organic Law thus modified up to the month of July last.

At that moment the Mussulmans of the island, taking advantage of the rupture of the negotiations conducted by the Imperial Commissioner, Mahmoud Pasha, broke out into atrocities, such as arson, massacres, violation of graves, and other proceedings not less odious. They thus occasioned the dispatch of large numbers of Turkish troops, who, instead of exerting themselves to re-establish order, joined the native Mussulmans in completing the work of devastation which they had begun, and supported the local administration which had already undertaken prosecutions as unjust as they were brutal against all the Notables of Candia.

Such was the state of affairs when the Divan promulgated the Firman of the 1st Revi-ul-Akher, 1307. Under the pretext of re-establishing order and of insuring the prosperity of the inhabitants, it arbitrarily suppresses all the rights, immunities, and privileges guaranteed by the Organic Law and the Additional Act of Halepa, it violates the whole tenour of the XXIIIrd Article of the Treaty of Berlin, it assimilates the privileged and almost autonomous province of Crete to an Anatolian vilayet, and revives a state of things which renders the co-existence of Christians and Mussulmans in the Island of Crete impossible in future.

In view of such a deplorable state of things, our unhappy country cannot possibly submit any longer to Ottoman sovereignty. We are, therefore, on the point of commencing an unequal contest for liberty, imploring Divine assistance, and taking no account of the sacrifices we shall have to make, or of the dangers with which we are threatened. We shall make it a point of honour to adhere faithfully to the oath which we have taken not to lay down our arms until the Greek flag floats over every portion of the island.

Deprived as we are of the sympathy and protection of the Great Powers, the victims of the most cruel persecution, and robbed, lastly, of the privileges we have gained at the price of our blood, we can do ourselves the justice to say that we were not the first to disturb the peace of Europe. Thus convinced of the justice and holiness of our cause, we hope that God and the Christian and civilized world will assist in making it triumph.

We have, &c.

The Military Chiefs and Deputies of Crete.

(The signatures follow.)

No. 148.

Consul Biliotti to the Marquis of Salisbury.—(Received January 5, 8 A.M.)

(Telegraphic.)

Canea, Crete, January 4, 1890, 7.20 P.M.

THE following four points in the Firman being considered as open to a detrimental construction for Christians, his Excellency Shakir Pasha has assured me (1) that the power of the Governor-General is in no way affected by the duties assigned to the Government Councillor; (2) that the preference to be given in Government employment to individuals knowing Turkish is limited to Cretans; (3) that the annual sum of 1,500*l.*, and not the whole of the income, is the equivalent for Vacoufs; and (4) that Christians who have taken no part in the recent disturbances may be appointed to be officers in the gendarmerie. However, it would be preferable that Mussulman and Christian native officers should be excluded from that corps. The Vali intends to dispel these doubts by addressing a Circular to the Governors of districts, but only assurances from the Imperial Government could satisfy Christians.

The following measures are recommended by Christian leaders as likely to calm down excitement:—

Dismissal of court-martial; appointment, under present Mussulman Vali, of a Christian Government Councillor. As there are no Christian officers, dismissal also of Mussulman officers from the gendarmerie, and appointment of Christian privates in that corps. Confirmation in their functions of the lately appointed Judges, and postponement of fresh elections of Deputies to the General Assembly to a more quiet period.

The Vali has no objection, but points out that court-martial must sit should future insurrectionary movement take place, and should soldiers or gendarmes be fired at or murdered.

After the adoption of the foregoing measures the objections against the Firman would be reduced to three essential points which could be discussed at leisure. These points are:—

1. That while a simple majority was hitherto required for enacting new Laws, a majority is now required of two-thirds of the total number of Deputies;
2. That the Deputies to the General Assembly having to be polled by a restricted number of electors, the latter might be easily bribed; and
3. That the half of the customs revenue should not be withdrawn from the local Treasury.

The Vali does not admit of any alteration in the Firman.

The majority of Christians and Mussulmans would exchange with pleasure the right of electing Judges against their being appointed by the Vali, and a less complicated civil procedure, which is not expected to be carried out by the General Assembly, imposed by the Government, would be hailed by the populations at large with the greatest satisfaction.

No. 149.

Consul Biliotti to the Marquis of Salisbury.—(Received January 10.)

(Telegraphic.)

Canea, January 10, 1890.

THE Vali issued on the 8th instant the Circular mentioned in my telegram of the 4th instant. This document is considered by town politicians as leaving no other option but that of an insurrection. However, honest Christians consider as settled to entire satisfaction the questions concerning the Government Councillor and the Vacoufs. Furthermore, that if, as it is proposed by the Vali, the Imperial Government should consent to pay, out of half the Custom-house revenue, the Public Debt of this island, amounting to 60,000 liras, this financial arrangement would give satisfaction for six years to come. The preference to be given for knowledge of Turkish is explained in a way which increases mistrust, instead of dispelling it.

With regard to the gendarmerie, the Vali has inquired from the Government at Constantinople whether he is to dismiss Mussulman or to appoint Christian native officers. The ire of town politicians has been aroused by a hint in the Circular implying the appointment, and no longer the election, of Judges, and the simplification of the Civil Code of Procedure.

The appointment of Judges by the Vali is considered by wise Christians as a most beneficial measure, which, however, should be so introduced as to exclude the idea of the abrogation of a privilege.

The Vali does not object, but cannot recommend the appointment of a Christian Government Councillor.

This measure, as well as a definite decision with regard to native officers of gendarmerie, should be taken without loss of time.

No. 150.

Consul Biliotti to the Marquis of Salisbury.—(Received January 13.)

(Telegraphic.)

Canea, January 12, 1890, 10 P.M.

I POINTED out to the Vali, on Friday last, that so long as Cretan refugees remained in Greece, intrigues would be carried on by them; that it was therefore urgent to enable them to return to their native country, with a view to restore tranquillity in this island; but that unless some formal assurance was given them that they would not be prosecuted for political offences committed while they were in Greece, no one of them would venture back. The fullest assurances were given to me on that occasion, and repeated to me this day by his Excellency, who said that he could repeat them in the approaching Proclamation concerning elections, viz., that except the political offenders whose names are mentioned in the list of exclusions, and the offenders at common law, all others could return to Crete in all safety. However,

raising the state of siege would be the most efficient of all measures. I further hinted that it would be only an act of justice to pardon the sixteen political prisoners now imprisoned in different fortresses of the Empire, they being less culpable than many Christians and Mussulmans who were never prosecuted.

No. 151.

Consul Biliotti to the Marquis of Salisbury.—(Received January 17, 10.50 A.M.)

(Telegraphic.)

Canea, Crete, January 17, 1890, 10.35 A.M.

IN the absence of the General Assembly, the Court of Appeal elects Judges of First Instance in the room of those whose term of office expires. Four weeks ago an instance of this nature having occurred, ten Christian Liberal Judges and twenty Assistant Judges were elected by the Appellate Court, whose members belong to the same political party. The Conservatives at Rethymo having strongly complained of the partiality, the Porte ordered that the former Judges should be maintained in office. These Judges, with one exception, being Liberals, refused to resume duties, on the ground that the proceeding of the Sublime Porte is illegal. The Christian Judges of the Court of Appeal have resigned this day by order, it is said, of both Liberal and Conservative leaders at Athens, who are acting in concert. The Administrative Councillors are also expected to send in their resignation on fresh instructions from Athens, as well as all Christian employés.

No. 152.

Consul Biliotti to the Marquis of Salisbury.—(Received January 21, 1890.)

My Lord,

Canea, Crete, December 30, 1889.

I HAVE the honour to transmit herewith two detailed statements of all the cases of ill-treatment and outrages which were mentioned to me during my recent trip in the Province of Sphakia, which consists of the districts of Apokorona, Sphakia proper, and Aghios Vassilios, and in that of Rethymo, consisting of Rethymo proper, Mylopotamo, and Amari.

Some of these details are trifling and tedious by their uniformity, but I have considered it as well to report all statements as they were submitted to me.

In consequence of permission obtained from the Commander-in-chief of Her Majesty's naval forces in the Mediterranean, Captain C. B. Brenton, of Her Majesty's ship "Fearless," accompanied me in my excursion.

I consider it my duty to express here my acknowledgments for the assistance given to me by that distinguished officer in the investigation which I carried out, and which he followed with the greatest attention and with an exemplary patience.

His Report to his superior, of which I have as yet no knowledge, will be the more valuable that it emanates from so conscientious and impartial an officer.

I have reported in due time the services rendered by Captain Brenton in the months of August and September last, but I avail myself of the present opportunity for stating that the Christians at large, and the Russian Consul-General, publicly acknowledged that the safety of Christians before the arrival in Crete of ships of war of other nations is due to the presence of Her Majesty's ships, and especially to the exertions of Captain Brenton, who, during the whole time of his station in this island, was to be found wherever danger was to be apprehended.

The result of my inquiries can be summed up as follows:—

Christians have not suffered the least damage in the Province of Sphakia on the part of Mussulmans. Three houses were burnt down in the district of Apokorona during the recent disturbances, but as no Turks were in the country the conflagration appears to be the act of one Christian faction against the other. The losses of Mussulmans amount to 289 houses, or rather rooms.

Only 17 Christian against 374 Mussulman houses were destroyed by fire in the Province of Rethymo. But Christians have suffered more than Mussulmans in the plunder of houses and crops. However, Christians have much less suffered in this than in other provinces, and I am glad to say that Mr. Vice-Consul Trifilli has not little contributed in limiting damages.

There is little doubt that Turks whose property was destroyed availing themselves of

the presence of Mussulman functionaries, troops, and gendarmerie, and especially of natives in the latter corps, have endeavoured, but without complete success, to obtain full, and in more than one case excessive, indemnity for their losses.

In the Province of Sphakia Mussulman claims were not, as elsewhere, somewhat checked by Christian counter-claims.

On the whole, the recovery of Christian and Mussulman stolen property has not been treated with equal impartiality. The majority of and the most serious complaints for ill-treatment are to be traced back to between two and three months.

Recent cases against foreign gendarmes are attributed by Christians to their acting under the orders of native officers.

With very rare exceptions, Christians are satisfied with Albanians, but not so with natives of other provinces who do not speak Greek and are unacquainted with Christian customs.

Shakir Pasha, to whom I spoke on the subject, told me that the gendarmes consisted of 500 Albanians, of 300 natives of the Province of Aïdin, and of 200 from Broussa, the last of whom are of mixed races, and quite unfit for this island. I was told that there are even Pomacks among them. The Vali added that he was taking measures in order to replace them by a fitter element.

The only feature of a somewhat serious character is the bad blood which has sprung up between Christians of Apokorona and gendarmes in consequence of the latter having fired at and killed, at different times, three armed Christians not obeying a challenge to stop, and of the retaliation by Christians on two gendarmes.

The incorporation of native Christians in the gendarmerie may bring about an amelioration in this respect.

Since my return here a Christian was fired at and wounded by gendarmes in the district of Sidonia, and another severely ill-treated in that of Kissamos.

Recent complaints against soldiers are limited to their fetching water from all fountains, and now and then destroying hedges and stealing firewood. A number of houses being used for quartering soldiers, and mules being requisitioned, is a complaint against the Government. But Christians speak in praiseworthy terms of Major Abdul Rahman at Aghios Vassilios, and of Suleiman Bey, the Colonel in command at Rethymo.

Complaints under the same heads having been made to me since my return here by inhabitants of the villages of Lakkos and of Roumata, Shakir Pasha has assured me that the quartering of soldiers is the only point which he cannot settle to the satisfaction of Christians.

Party animosity between Christians is not foreign to the latter complaint, the houses selected by primates for lodging soldiers being usually those of individuals of the opposite faction.

I have, &c.
(Signed) ALFRED BILIOTTI.

Inclosure 1 in No. 152.

Cases of Ill-treatment and Outrages as reported to me by the aggrieved parties, or on their behalf.

PROVINCE OF SPHAKIA.

District of Sphakia proper.

Askyphos (elevated plain).—On the 26th ultimo 145 soldiers and 30 gendarmes arrived towards sunset to occupy this position. Having asked for houses to quarter themselves that same evening, four houses were offered, but as more were required the troops broke open the doors of the uninhabited houses of Andrea Aforegi and Steliano Delenda.

A certain Nicola Balieraki having protested, he was struck by the officers with a stick and with his fist, and was brutally pushed to a certain distance by the soldiers. In the scuffle he lost a money-bag containing 170 piastres (1*l.* 6*s.*).

Sifis Iconomakis having suggested that soldiers might sleep in their tents for that night, two gendarmes threatened to beat him, but were prevented from so doing, he believes, by Mollah Ibrahim, a native officer of gendarmerie.

On the arrival of the troops, Markos Vicouvarakis, a boy 8 years of age, was compelled five times by different soldiers to show them the well, which is at a few minutes (two or three) from the village.

Andrea Manoussodaki, assistant primate, stated that soldiers made a search for outlaws in the café which he keeps, but finding no one, they confiscated his rifle and a knife (dagger). They also asked for cartridges, but he had none. Mollah Ibrahim prevented soldiers from ill-treating him. The day after the arrival of troops he caused seven houses to be placed at their disposal, and 1 dollar was promised, but not yet paid, for each.

Petros Boutzounierakis complains that the Captain of the troops, together with Mollah Ibrahim, entered the café which he keeps, and as he did not get up, the Captain threw a stick he was holding at, and broke, the nargilé (water pipe) he was smoking, ordering at the same time soldiers to beat him, which was accordingly done, one soldier holding his head under his arm and another giving him four blows with a stick on the back. They also broke open one trunk, but found no cartridges as they expected.

Michail Charchavatzos was apprehended in the street and conveyed in the fore-mentioned café, he being struck with the butt-ends of rifles and his beard being pulled on the way.

The inhabitants of Askypbos, hearing next morning of the ill-treatments which had taken place in the night, tolled the church bell of the village of Amodoro in order to hold a meeting.

On hearing the tolling the soldiers, headed by Mollah Ibrahim, having advanced towards the village, the Christians took to flight, and were fired upon, but not one of them was hit. The Christians replied with 150 or 200 shots, wounding one soldier on the foot, one on the shoulder, one on the nose, and one, whom they suppose to have died, through the arms and the chest. There were about fifteen outlaws in the ranks of the Christians.

The Major in command at Sphakia came on the spot and told the notabilities that what had taken place was a mistake on both sides, that no one would be prosecuted, but that he expected Christians to behave properly towards soldiers.

The inhabitants of Askypbos stated that they were ready to assist the troops in capturing outlaws, their only wish being to live in peace.

The primate, with twenty men, accompanied a detachment of troops through the Pass of Askypbos as a security against outlaws.

The Christians told me that since that time they were living on brotherly terms with soldiers, but that they considered the presence of Mollah Ibrahim in their region as endangering the public tranquillity.

The incident at Askypbos having been described in Greek papers as a very serious conflict between the Imperial troops and Christians, I have considered it as well to give all the details of the case, however trifling some of them may be.

Village of Asphedu.—Papa Nicola (a priest) was met by a corporal of troops at a spot called Pissu Pigadia, who compelled him to dismount his mule, threatened him with a knife, and deprived him of his cap, which he exposed to the derision of the soldiers. The Major in command at Sphakia, of whom Christians speak in praiseworthy terms, punished the corporal by bastinado in the presence of all the troops.

On the 27th and 29th ultimo, Christians being in ambuscade between the town of Sphakia and Frango Castelli, where troops are quartered, fired on soldiers conveying provisions, killing one and wounding another on the first occasion, and killing three and wounding two on the second occasion.

It was rumoured that the perpetrator of these outrages is Liappis, the murderer of a Christian family at Sphakia, of whom I spoke in a previous despatch.

The arms and ammunition of the murdered soldiers are said to have fallen into the hands of the aggressors.

Village of Aghia Roumeli.—On the 12th instant, shepherds having detected soldiers carrying off a sheep, fired on them, killing one and wounding two of them.

District of Apokorona.

Village of Stillos.—Third parties reported to me that, by order of Mollah Ibrahim, gendarmes knocked on the head T. Fotis with an old Cretan rifle which he was carrying while passing through that village with two other Sphakians; and that, on the same occasion, soldiers stole two blankets from Giorgi Clapa, and a bag, belonging to Giorgi Bolenta, which contained effects worth 2*l*.

Village of Raumi.—Towards the 25th September last soldiers despoiled the chapel

of St. Nicolas of objects of the value of 50 piastres (7s. 10d.), which, however, the Commanding Officer promised to pay, although he never did. They also carried off from the village linen valued at 1*l*. No rape of women took place here, but one is reported as having occurred at Melidoni.

Village of Melidoni.—Maria Nevropoula states that a Captain in the army, after having settled an account of purchases made from her, threw in her lap a dollar, which she refused to take, abusing him at the same time, as she understood it to be an improper offer. In the afternoon of the same day an Albanian gendarme was sent with 4 dollars, begging her in the name of the Captain to keep his proposal secret from her husband. She having refused the offer, the same gendarme returned next day, telling her that she was a simpleton not to accept the money of the Captain, who was in love with her. She complained to the Governor at Vamos, and a fortnight after her husband was confined in prison for three days for having slandered an officer of the Turkish army.

Despinia Bombolaki was at the entrance of the village, where two mounted gendarmes arriving, one of them dismounted and unbuttoned his trousers. Although she was neither spoken to nor followed, she considers to have escaped rape by running away.

Village of Fré.—Sifis Manoussakis was apprehended towards the middle of October and conveyed to the police station, where he was given twenty blows with a stick, and subsequently fastened to one of the wooden pillars supporting the roof.

Jannis, his son, was also arrested, pushed, and struck with their fists by the gendarmes who conveyed him to the station, where he was bound like his father during two hours.

Argiri, wife of Sifis, and his sister Despinia, were likewise apprehended and struck by gendarmes with their swords while they were conveyed to the police station, where they were detained for half-an-hour.

The whole family was apprehended in order to compel one of Sifis' sons, named Theodoro, to surrender. He was a tithe-farmer owing money to the Government, and escaped from the hands of the gendarmes who were conveying him to prison. He is absconding.

Dimitris Yakonimakis, one of the Elders of the village, was struck by gendarmes, and had his beard (which he shaved immediately afterwards) pulled by them on his being unable to give information with regard to the same Theodoro. He complained to the Governor of Vamos, who recalled the guilty gendarmes from the village.

Manoli Paparizianaki, another Elder of the same village, was struck twice with a rifle on his refusing to lead the gendarmes to a house in which Nicola Marcaki, another absconding tithe-farmer, was supposed to be concealed. All these incidents took place in the same day.

A fortnight later the same Elder was imprisoned during six hours because a certain Emmanuel Manolakaki, who was wanted by the police, was not to be found at his house.

Giorgis Lampis Kikadis complains that gendarmes confiscated from his house one Chassepot rifle, one Martini, and cartridges.

Village of Tsitsifé.—Kyriaco Strogilaki cannot obtain the payment of 570 piastres (4*l*. 7s. 8d.) which is due to him for provisions furnished to the troops. He claimed his money from the Captain, who sent him to the village of Armenous, and after having been kept there during three hours, he was dismissed with threats should he report his case to the Major.

Jannis Coudroubadakis complains of having been fastened by the hands and neck, and struck by three soldiers with their swords, while others were digging his field until they found a Martini rifle which he had concealed.

Constantinos Tsagarhakis, was wearing the uniform of a gendarme, although he was not one, and was carrying a Government rifle, was apprehended, had his hands bound, and was taken to head-quarters. Three hours later he was sent to Vamos, and from thence to Canea, where he was released on his giving up his Martini.

The general complaints of this village are that the possessors of four Government rifles, which they refused to hand back, were ill-treated, and the arms confiscated. Also that some ten inhabitants of the village, who were gendarmes and deserted, have not been paid their salaries during the last months preceding their desertion.

Village of Vafé.—I visited, with Captain Brenton, this supposed church, of which mention is made in the Memorandum handed to Her Majesty's Minister at Athens. It consists of an irregular cave, 4 yards by 5 yards and 2½ yards high, closed by a wall in an isolated ravine, one-quarter of an hour's walk from the village. There are no

altars nor seats, except the infractuosities presented by the rock. Two poles support a picture on zinc, which is the same handed to the Russian Consul for inspection. It is perforated in one place by a bayonet, and is blackened in one corner. Over the picture was an old cross, elaborately carved, which was broken, and the pieces of which we saw in the village church.

The key being on the door, there is not the least doubt that the soldiers entered the chapel while they were living under tents on the hill above.

The inhabitants of Vafé also complain that soldiers took honey out of five bee-hives which were near their encampment.

Thrassudogioudena, a widow, states that her two sons, Joannis and Michalis, were apprehended without motive and kept in prison during a fortnight. They were so beaten and ill-treated on their way to Vamos that Joannis had to be attended by a surgeon for bruises on the head, and that water had to be poured on the wounds made by the rope with which he and his brother were fastened. The latter was also suffering from bruises all over the body consequent on blows with the butt-ends of rifles.

Michalis Kourakis, Stathis Drakalakis, and Joannis Hanistakis were fastened so tight with a rope that it had to be cut with a knife on their arrival in the prison of Vamos. They were also struck two or three times with the butt-ends of rifles.

Soldiers stole from Stamatospiridena three turkeys, which they killed, but returned to their owner on being detected by Stelianos Kassakaki.

All these occurrences took place towards the middle of October last.

Village of Prosnero.—A wedding was taking place, when the musician was apprehended, conveyed to the police station, slapped in the face, and released. A cracker being thrown in the police station, three individuals were apprehended, but managed to escape among the people following the wedding. The gendarmes, being unable to identify their prisoners, began to strike right and left, and drew their revolvers, of which, however, they made no use. A detachment of troops having been sent in the village in consequence of this incident, the school and two houses, the inmates of which were turned out, were taken possession of by the soldiers.

Two gendarmes entered the café of Philippo Papadaki, insulted him, and threatened him with their rifles, which they loaded in his presence.

Two Albanian gendarmes having been murdered at Armeros, the inhabitants of Prosnero fear retaliation on the part of the Albanians stationed in their village.

Village of Vamos (the seat of the Governor of the Province of Sphakia).—Together with Captain Brenton, I made the most minute inquiries with regard to Hadzidki or Hatzi Keraki, who is mentioned in the Memorandum as having been beaten for having made the sign of the Cross in front of a church. The only man in Vamos bearing that name is an old man, to whose room we proceeded as he is bed-ridden, and who told us that nothing of the kind happened to him.

With regard to women having been carried to prison in an iron frame or cage, as mentioned in the same Memorandum, our inquiries were treated as a joke; and it is sufficient to travel over the country to be convinced that the alleged outrage is an impossible feat on the paths which lead from one to another village.

All the information obtained tends to prove that women who were apprehended were in no way ill-treated on the road.

However, I was told that three of them, Kiriaki Seliniopoula, Aneza Menedopula, and Caterina Zahariodopoula, were slapped in the face while they were in prison.

On another occasion a number of women who were following in lamenting the gendarmes conveying their husband in prison were chased away by Mollah Ibrahim, who overtook and struck one or two blows with a stick, three of them.

But I was also told that some of them were allowed to come riding their mules; the wife of Jannis Yiassemakis, of the village of Prosnero, was mentioned as being one of them.

Two other women, Erini Frägodopoula and Athoula Katsolopoula, were arrested and conveyed to Vamos, together with eleven men. The gendarmes accompanying them often stopped as being pressed by a natural want, calling the attention of the women, and although they did not ill-treat the men, they used offensive language towards the Christian religion. However, they beat with sticks G. Kagiougalaki, Em. Dabassaki, and E. Zambetaki, whom they picked up on their way in the village of Dramia.

They further state that five or six gendarmes who were near the prison-door gave each prisoner one push and one slap on the neck on his passing before them.

These individuals also complain of having been scantily supplied with water while they were in prison, to the number of fifty-five, in the month of September last.

M. and E. Frangiadakis, J. Basastakis, J. Giorgulakis, E. and S. Kekakis, C. Grigorakis, A. and P. Tagadakis, A. Ypsilantis, E. and T. Simantirakis, N. Yannikakis, and N. Vrasudakis were so closely fastened by the waist in a row to the same rope that they were treading on and wounding each other's heels. The gendarmes conveying them in the town were spitting in their faces, and uttering blasphemies against the Christian religion. Having met a peasant on the road they pushed him in a ditch and took his stick, with which they gave each of the prisoners two or three blows. After pushing them and compelling them to run, the gendarmes were causing them to fall down by pulling the rope. At about 2 miles from Vamos, one of the prisoners, Jannis Giorgolakis, having broken his head in thus falling, he was unbound, and the other prisoners were no longer molested.

These are the seventeen individuals whose case was the first to attract attention at the end of September last. They were only fastened by the waist contrary to the assurances given to me at the time by presumed eye-witnesses; that the rope round their arms was so tight that it had to be cut, and that their arms were shaking long after.

Towards the middle of October the commanding officer of gendarmerie ordered that the streets should be swept; although some of the inhabitants did so, a fine of a quarter of a dollar was levied next day from all.

The same officer exacted a fine of 1 lira (18s.) from M. Caravanaki, A. Constaindaki, V. Proukaki, and A. Mariakaki for having assisted at the funeral of Sergios Selihoudaki, who was killed by gendarmes towards the end of October last.

Haralambo Karavanaki having been robbed of matches by soldiers towards the middle of November last, and having attempted to recover them with the assistance of Nicola Grilaki from their hands, both were beaten by the soldiers, and, besides, were kept in prison during twenty-six days.

Antonis Kaliyannakis had his head broken by soldiers about three weeks since for refusing to open at midnight the door of his café, and allowing them to take water from his tank.

A fortnight since soldiers stole four fowls; and a week since honey from four beehives which E. Bofilaki kept in his courtyard.

I was told that in the night of the 23rd instant one soldier stole a gown belonging to Eleni Galanaki, and that another soldier had forcibly entered Giorgi Flakianaki's house, which he refused to leave as he was coveting his wife. But a trustworthy Christian, on hearing the statement, informed me that Giorgi himself had invited the soldier to his house, that both had made free use of wine, and that, on the soldier's conduct being reported, the commanding officer had imprisoned the Christian during two or three hours for inebriating the soldier, while the latter was punished with bastinado.

On the evening of the 24th instant, which I spent at Vamos, a Christian woman complained to me that soldiers who had just arrived from Rethymo had forcibly taken possession of her house, and that one of them, taking hold of her son, 18 years of age, by the nose, had threatened to cut it off. I advised her to report her case to the Governor, whom I saw soon after. The woman had in fact applied to him, but had made no mention whatever of the alleged threat to her son. The Governor explained to me that the houses in which soldiers are to be quartered are in each case pointed out beforehand by the Christian Elders of the villages.

The general complaints at Vamos are that soldiers are burning as fuel shelves and woodwork of all description, even the doors and windows of the houses in which they are quartered, a statement hardly credible for the last two articles, and that mules are taken without remuneration for conveying military stores.

The fact is that the situation is rather strained in this district in consequence of mutual murders of gendarmes and natives.

Most of these murders I have already reported in previous despatches, but I recapitulate here the whole of them.

Towards the last days of October last gendarmes fired at and killed Gavallahori, and an unknown Christian, who fled on their approach. He happened to be a certain Sergios Selihoudakis, who was wanted by the police for the rape of a Christian girl.

Towards the same date Joannis Fiotakis was wounded by an Albanian gendarme in the village of Kalamitzi. It was reported to me that he had died from his wound, which was inflicted by pure malice. But other Christians assured me that he was wounded by the accidental discharge of the gendarme's rifle. Be this as it may, Fiotaki is alive.

Towards the middle of November gendarmes killed Dilaki, an outlaw, who was armed, and refused to stop when challenged.

These two murders are attributed to native gendarmes.

On the first days of the present month Christians waylaid three Albanian gendarmes at a place called Arcoudena, on the limits of the districts of Rethymo and Apokorona, killed two of them, and wounded the third. The dead were stripped of their clothes and boots, and their arms and ammunition were carried off. This incident is considered by some Christians as a retaliation for the murder of Dilaki; by others as a revenge on the part of two individuals who, having been apprehended by Albanians, had managed to escape from their hands.

Shortly after Sifis Marakis was killed at a spot called Klima by gendarmes, assisted by soldiers. The case was reported to me in so many different ways that it is impossible to make out the truth. According to some, he was unarmed; according to others, he was armed. His brother, who stated to me that he was killed while drinking water at a fountain, is the only one in the country who mentioned his having been stripped of his clothes, and of his ears, nose, and lips having been cut off, but not otherwise mutilated, as it is rumoured in this town. Christians attribute his death to a revenge of Albanians for the murder of their countrymen at Arcoudena. However, this does not appear to be the case. The Colonel of gendarmerie, whom I met during my trip at the head of one battalion and a body of gendarmes, looking for outlaws, made the following statement to me: he divided his forces in squads; one of them came upon six or seven men, who fired at them. They replied, killing one of the Christians, who was Marakis, and wounding another, who escaped with the others.

I put no reliance on the alleged mutilation, owing to the presence on the spot of the Colonel of gendarmerie.

Christians generally complain that outlaws are not apprehended. However, they informed me themselves that, on three different occasions within the last month, outlaws were rescued from the hands of gendarmes, who were beaten by the mob, viz., Bagoukos by the inhabitants of the village of Mouri, Komaoutsis by those of Alikampo, and Possemon by those of Prosnero.

Having heard unfavourable reports with regard to the prisons at Vamos, we asked for and obtained permission to visit them. Captain Brenton and myself consider them better than several Christian houses we saw, and in which we had to spend the night during our trip. The prisons consist of two contiguous vaults (not underground) and of one separate room, the latter for individuals accused of slight offences. They are provided with plank floors, of which most peasants' houses are deprived. When we visited them charcoal was burning in portable vessels, and ventilation appeared to be sufficient. There were twenty prisoners in the two vaults, and eight in the other room.

Village of Alexandrou Kalamitzi.—G. Manoussoloupassakis met soldiers on the road, one of whom struck him once with the butt-end of his rifle.

Giorgios Giorgotakis was cutting a stick, when six gendarmes who passed by took it from his hands and knocked him with it on the head.

Stelianos Sfirakis and Jannis Mathiodakis met these six gendarmes, who gave them each one blow with the same stick.

Stelianos Marcakis was struck once with the same stick in his shop.

The fore-mentioned six Albanian gendarmes were led by Emin Kiamilaki, a native gendarme.

Village of Amigdalou Kalamitzi.—Costis Anghelaki's house was entered by gendarmes, under the orders of Mollah Ibrahim, in September last. They broke open his chest, and took one knife with silver ornaments, one silver watch, one silver box, one revolver, 15 liras, 25l., 20 napoleons, and 8 Turkish dollars. As his mother was screaming, she was knocked on the head with a rifle by Mollah Ibrahim, and felled to the ground. She applied to Shakir Pasha, who ordered the restitution of her son's property, but the only objects returned were the watch and the knife, which last had been deprived of part of its ornaments.

The missing property represents a value of upwards of 50l.

Christoforo Christodoulakis had his hands bound by the same gendarmes, who kicked him in the stomach, and, while conveying him to Vamos, struck him with the butt-ends of their rifles. They also took from his house a money-bag containing one 20-franc piece and 2 Turkish dollars. He was kept in prison during fifty-five days, under accusation of having burnt olive trees belonging to Turks.

Nicolas Evgenitaki's house was entered by the same gendarmes, who pulled down from his bed his brother, who was lying ill, breaking his head in the fall. He was himself slapped in the face, struck with their rifles and with the flat of their swords by the gendarmes on the way to Vamos, where he remained in prison during one month under a similar accusation.

Emmanuel Stratinaki was slapped in the face and struck once with a rifle while working in his field.

Mollah Ibrahim was pushing, insulting with words, and spitting in the faces of all women that he happened to come across.

Areti Yannoulaki was felled to the ground on a rifle being confiscated from his house.

Argiri Vouvaki was insulted on an identic occasion, and one of her chickens was stolen by the gendarmes.

Eleni Tsoupaki was likewise insulted on a search being made in her house for stolen olive wood.

T. Moudalexakis, having been also bound and beaten, the remainder of the male population of the village, which consists of fifty-three houses, took to flight.

Erini, widow of E. Deligiorgaki, who was murdered under her eyes at Gonia, in Rethymo, by Mussulmans of that province, whom she could identify, claims at least the restitution of her mules, which were carried off on that occasion.

Georgios Papadoyiannakis met on the high road, four weeks ago, soldiers who slapped him in the face and struck him with their rifles and the flat of their swords.

Michail Christodoulakis, while being examined on the 10th November last, was given fifteen blows with a stick by order of the examining Magistrate, a Turk, in order to compel him to denounce the Christians who had set fire to olive trees belonging to Mussulmans. As he was coming down the stairs he was pushed, and rolled down five or six steps. He was likewise pushed on his entering the prison, where he was kept during nine days.

The inhabitants of this village state that for nine grown-up and sixteen young olive trees they were compelled to sign bonds for 8,700 piastres (nearly 70*l.*) ; that a bond for 316 piastres (2*l.* 6*s.* 9*d.*) was exacted from Michail Tsakalaki for his having cut down the branches of a wild fig tree, and that two Mussulmans are claiming 2,000 piastres (15*l.* 7*s.* 9*d.*) as indemnity for the pulling down of a wall, 4½ yards long and 1½ yards high, of a house burnt down during the insurrection of the year 1878.

Village of Exopolis.—Loukas Louloudakis, when apprehended, was struck five or six times by gendarmes with their fists. He was fastened with his own sash by the waist, together with D. Contaxaki and C. Christodoulaki, and conveyed to Vamos, where they were slapped in the face and pushed on being put in prison.

Stavris Coskakis and Georgios Bortelakis were bound together by the arm, and were struck four or five times with the butt-ends of rifles on their way to Vamos.

All these imprisonments, which took place in September last, had for cause the burning of twenty-five olive trees belonging to Turks.

Demetrios Stavrianakis was compelled by six gendarmes to carry them on his back over the stream of Armiro.

It was stated to me that gendarmes made water through a window in the interior of the niche of a saint, but on inquiring as to the height of the window from the ground, they pointed above the waist of an ordinary-sized man.

Manoussos Rellandakis, a shepherd attending his flock, was so severely struck, towards the middle of this month, by gendarmes, with the butt-ends of their rifles, for carrying a knife, that he was laid up during eleven days.

Michail Nicostaki, also a shepherd, was challenged by soldiers to stop, but as he was frightened and ran away, he was fired at, luckily without effect.

Village of Armenous.—The twenty-five Turkish houses that were in this village are all burnt.

J. Anastassiadis and two other Christians, who were apprehended while calling on the Governor in the middle of September last, were not ill-treated in any way. But during the ten days he remained in prison Anastassiadis saw ten Christians brought in, and five gendarmes stationed by Mollah Ibrahim's order near the prison-door, who slapped on the neck and pushed each of the prisoners as they passed near them. One of these prisoners, a native of the village of Kourna, was also kicked and felled to the ground, his hands being bound.

Each of the following individuals remained in prison during the number of days marked against his name: G. Terezakis, 17 days; M. Anghelakis, 18; C. Freskakis, 29; C. Carayannakis, 29; P. Mantakakis, 31; P. Maragoudakis, 31; G. Spiridakis, 32; P. Countakis, 44; and N. Mountakakis, 57. They were apprehended without a summons, and were released without a sentence being issued.

Their hands were bound behind their backs with their own sashes, and altogether in a row on a single rope, and were struck with the butt-ends of rifles. By order of Mollah Ibrahim each of them received one slap and one push on entering the prison.

Sifis Terezakis, being conveyed out of prison to satisfy a natural want, was struck once with a rifle.

Giorgi Halnadaki was struck once with the butt-end of a rifle on his way to Vamos.

Nicola Bountaki was given a slap on the neck by a gendarme to whom he lent his cigarette to get a light.

Constanti Liappaki, who refused to give up his shop for quartering soldiers, was kicked by the commanding officer.

The inhabitants of this village are very satisfied with Albanian gendarmes, but greatly complain of native gendarmes.

In September last Kyriaki Nikitaki, 55 years of age, met at night in the streets three soldiers, one of whom touched her breast, another her head, and the third her belly. They ran away on her calling for help.

Village of Neo-Chorio.—Nicola Peraki was bound and struck with the butt-ends of rifles on being conveyed to Vamos.

As a rule all Christians conveyed to prison in September last were bound and ill-treated on the road.

Village of Calyves.—All the Mussulman houses here, numbering twenty, are burnt down.

M. Chatzidakis, M. Thodorakis (Mananedakis), and C. Protopapadakis were imprisoned from six to twelve days. They had their hands bound behind their backs, and received one slap and one push with a rifle on entering the prison. The examining Magistrate, a Mussulman, used to come and take down the names of every batch of prisoners. They were then handed to the gendarmes, who led them to the other end of the prison, which is spacious, giving them a slap on the neck, gendarmes and Magistrate laughing at the joke.

All the ill-treatments by gendarmes are attributed to orders from the native Lieutenant Mollah Ibrahim, and to the influence of native Mussulmans whose houses had been burnt. P. Manolakakis, E. Panighirakis, G. Portolakis, J. and M. Castinayiannakis, J. and A. Costomatakis, M. Chatzi Michelakis, C. Chatzi Manolakakis, A. Calamiotakis, E. Giannicakis, A. Androulakis, S. Spatharakis, C. Vlahakis, and N. Vlatakis were thrown into prison, the first eleven for arson and theft, and the four last under suspicion of having murdered, just before the outbreak, Ahmet Nouraki, a Mussulman of Calyves. They were bound two together, one by the left the other by the right arm, and subsequently on a rope in a row, and thus conveyed to Vamos, being struck on the way.

Athanassi Calaitzis was struck with the butt-end of a rifle on being taken to prison.

The four individuals accused of the murder of Ahmet Nouraki had been apprehended before the late disturbances and released. But the examining Magistrate of Vamos being the uncle, and the Judge of the First Instance the nephew, of the murdered Turk, they availed themselves of the present circumstances to imprison again these Christians.

Towards the end of October two soldiers, meeting the wife of G. Vlamaki in the field, called her, and ran a few steps after her, but proceeded no further.

Towards the same date soldiers carried off in the night from the house of Stelianos Dauskaki one overcoat, one earthenware pot, and four or five fowls.

Selio Pano, a baker, furnishing bread to the Turkish troops, has imagined to encourage his men to work through the night by having music played to them. Native gendarmes have often tried to prevent him from so doing. A few days ago, on their knocking at the door, and Stelio opening it, he was struck once with a rifle and insulted. The commanding officer of the troops prevented further disturbances. The foreign gendarmes were led by a native gendarme.

District of Aghios Vassilios.

Village of Rodakino.—Giorgis Zafirakis was proceeding to Canea towards the 10th September last when he was apprehended in the village of Calyves and taken to the prisons of this town, in which he was detained during forty-five days. His hands were bound, and he was brutally treated all along the road, one of the soldiers even threatening to kill him with his rifle. He was examined only once, ten days after his imprisonment, and asked by the court-martial whether the mule he was riding belonged to Cacouris, and whether he had seen two men firing on the Captain of troops who had arrested him. He presumes that he was accused by the native gendarme, a Mussulman, who accompanied the troops, as belonging to the band of Cacouris, whom he has never seen. Except on one occasion, when a riot took place between prisoners, and when the

stick was freely used, he saw no prisoners beaten by gendarmes during one month and a half which he spent in gaol. On his release he had to pay 174 piastres (1*l.* 6*s.* 6*d.*) for the expenses of his mule during his detention.

Village of Thoxaré.—Joannis Mathioudakis Stelios and Const. Vavourakis related to me that, together with Jannis Draganitakis, they had been bound by the hands and neck in such a way that they could hardly walk, and that when one of them was falling, which happened frequently, the other prisoners were nearly strangulated by the tension of the rope round their necks; that they had been thus conveyed to Spili, a distance of two hours, being struck along the road by gendarmes with the butt-ends of their rifles, and that they had been kept in prison during six days. However, Jannis Draganitakis, whom I subsequently met in the village of Aghia Pelagia, said that he was the only one fastened by the neck, and that he and his companions had not been ill-treated in any way on their way to prison.

Village of Angousseliana.—Sifis Manolakis, Jannis Haniotakis, Em. Antanakis, Georgios Philipakis, Joannis Dimitrakakis, Georgios Panagiotakis, and Stamatis Farsedakis had their hands bound. The gendarmes who conveyed them to head-quarters struck them on the way with their rifles. They were then conveyed to Rethymo, from whence they were embarked and sent to Vamos via Calyves. Their hands were unbound on board.

Janni Haniotaki on being apprehended on another occasion was given ten blows with a piece of broken plank by the sergeant of gendarmerie.

Village of Aghios Joannis.—The inhabitants of this village, who had been represented to me all along the road as having been the victims of most brutal treatment, had no complaints whatever on that head, but they accused soldiers of having broken open the door of an isolated chapel (St. Giorgi), and of having thrown down and broken the altar.

Also of having entered the village church (St. Pantelymon), the door of which was unlocked, and of having stolen the priest's waistband with silver ornaments of a value of 8 medjidiés (1*l.* 6*s.* 8*d.*), and thrown on the floor the other vestments and Gospels. These two incidents took place towards the end of October last.

Village of Kali Sikia.—Towards the same date profaned the isolated chapel of St. Petros by throwing down the altar slab.

Village of Paliolutra.—About one and a half month ago Nicola Koutoulaki was beaten by the Governor of Spili himself, in order to compel him to give up stolen property.

Steliano Fressulaki and his father were beaten at the police station for providing outlaws with bread.

Village of Aghios Vassilios.—Costis Nicoloudis was apprehended without motive and struck by gendarmes with the butt-ends of their rifles while conveyed to prison.

Manolis Constantinidis was summoned to Spili, the seat of the Governor, was kept waiting a whole day, put in prison for the night, and dismissed the next morning without having been interrogated.

Constantinidis attributes this incident to a willing mistake on the part of the Justice of the Peace, a Christian, but who belongs to the opposite political faction.

Joannis Papadosifakis was detained in the prisons of Rethymo during twenty-five days for having walked at night without a light in the streets of that town, which was contrary to the Regulations. His wife having resisted, in the country, one gendarme who required his horse, on his attempting to strike her another gendarme recalled to his mind that beating was strictly prohibited.

Village of Mixorouma.—Papa Elia (a priest) happening to be in his garden when in September last soldiers were passing by, one of them pushed him, throwing down his cap, another threatened to bind his hands, a third one threw three stones at him, while a fourth one made an attempt to deprive him of his boots, which he was prevented from doing by the interference of a friendly Mussulman.

Village of Aghia Pelagia.—Michail Spiridaki was working in his field when a few gendarmes passing by he was struck by one of them, and fined 1*s.* for not keeping his mule fastened according to the regulation.

This is a case of recent date, attributed to native gendarmes, as are the following ones: The mounted gendarme Nazari struck one Christian at Koxara for a trifling motive, and threw at Spili a stone against Haralambo Commendatakis, striking him on the back.

Village of Lampini.—Giorgios Fomakis was struck twice with the butt-ends of their rifles by the gendarmes who conveyed him to head-quarters in October last.

Elia Epanometaki, having been apprehended without motive in the town of

Rethymo, was struck two or three times with their fists by the gendarmes who led him to prison.

Joannis Kavoyiannakis, having been summoned to give evidence concerning his son, who had absconded, answered that he was ill, but the Justice of the Peace, a Christian of the opposite party, having insisted on the ground of his illness being a mere pretext, he was imprisoned and released nine days after on a medical certificate of the Military Surgeon. He died six days after his release. He was allowed to proceed by himself to head-quarters, and was ill-treated in no way while he was in prison. His widow, who gave me the foregoing details, after having accused the Government of causing her husband's death, ended by begging that her son, who had stolen sheep and was still absconding, should not be prosecuted on paying their value.

Between this village and that of Aghia Pelagia there are two isolated chapels which were entered by soldiers towards the end of October last. They stole from the one (St. George) oil for a value of 70 piastres (10s. 9d.), and from the other (St. Joannis) one candlestick and oil valued at 12 piastres (10s. 9d.).

Village of Mournies.—Manolis Markakis, being drunk and having resisted, was kicked six times by the gendarmes.

Village of Dariviana.—The inhabitants complain that in passing by, soldiers pick up vegetables in gardens and take refreshments at cafés without paying.

Village of Spili.—The seat of the Governor of the district of Aghios Vassilios, usually a Christian, but now a Mussulman. Three of the Elders complained that after having been compelled by the Governor to sweep the courtyard of the Government House, they were imprisoned for two hours, until they appointed rural guards. I should add that the Government archives were burnt by the Conservative party to which belong these Elders.

They also complained that, having availed themselves of the recent disturbances for taking possession of a Turkish landed property, which they required for extending the church courtyard, they were compelled not only to return the land, but also to pay to its owner an indemnity of 1,450 piastres (11l. 2s. 6d.) for a wall they had demolished and for a few trees which they had cut down.

They further complained of soldiers cutting down trees and generally destroying their property. On my asking for details, they mentioned the roof of a hut, four bee-hives from which honey was stolen, three fir trees; but on my warning them that I intended to ascertain the damage, they whispered among them that it was better to drop the subject, and so they did.

Erini Papadopoula stated that during three or four consecutive nights gendarmes searched her house for outlaws. In October last this woman, together with thirteen others, proceeded to Rethymo in order to protest against the violence used towards their relatives, whose houses were searched for stolen property, and who were imprisoned. Immediately after my departure from Spili, another deputation of women proceeded to Rethymo and represented their condition as untenable. Mr. Vice-Consul Trifilli, to whom they also applied for protection, having observed to them that I was making an inquiry in the country, they replied that the inhabitants had had no time to speak with me, as I hardly stopped in their village. However, I arrived before sunset, sat up until 3 A.M., surrounded by all the village, and departed only at 10 A.M.

Giorgis Passiadidakis was imprisoned for singing at night, and was beaten thrice while in prison with a stick. He cannot say how many blows he was given on the two first occasions, as he lost consciousness after the first blow, which he confesses to have received on the back. On the third occasion he was given only one blow. He was released within twenty-seven hours. The Governor used his mule during two days, and paid him only 12 piastres instead of 30 piastres which he claimed for hire. He was imprisoned a second time during three days, and only released on his paying 50 piastres (7s. 10d.) as indemnity for a tree cut down by his son, and belonging to a Turk. On this occasion the Governor, who is a Mussulman, proffered insults against the Christian religion.

Christos Rapazoglous, an Hellenic subject, was apprehended, struck twice in the chest by gendarmes with the butt-ends of their rifles, and sent to Rethymo, where his Consul obtained his release. On his return to Spili he was again apprehended and sent to Vamos, the capital of the province, where he was detained a whole month. The only motive of this treatment was his having stated that several Christians had embarked at Rethymo for Athens in order to witness the marriage of the Heir-apparent to the Throne of Greece.

Christos Panagistakis was kept in prison during a month for having cut olive-tree branches. He was fetching water every twelve hours for the prison, and the gendarmes who accompanied him gave him first a blow with a stick, then struck him with their rifles.

Not being allowed to satisfy natural wants, he soiled his linen. He was made to sweep the courtyard of the Government House.

Antonios Vrillakis was imprisoned in order to be compelled to return 8 bushels of corn claimed by a Mussulman, which were ultimately paid by the community, as the corn had been appropriated to its use. He complains of having been called "yeziti" (devil) by the Governor. During the time of his detention, which lasted seven days, he was now and then taken for a walk, which only served as a pretext for gendarmes to strike him with their rifles.

This case took place on the 5th ultimo, and is the most recent of all the foregoing cases. The Governor of Spili is charged with having insulted the Christian religion, while he abused Michail Panoyiotaki, who was selling vegetables at an exaggerated price; of having levied a fine of 41½ piastres (6s. 4d.) from Georgi Alifantaka, which, although legal, is not within his competence; and of having threatened the lawyer Yanni Farantino, while he was pleading, to pull him by the ears if he did not obey the Justice of the Peace.

Since my passage at Spili, the Mussulman Governor has been replaced by a Christian. Christians, who are implicated in theft of Mussulman property, generally complain of being condemned to pay more than the real value of the stolen property, and in more than one case their complaints appear to be grounded. A certain Georgi Zouloudaki paid 520 piastres (3l. 18s.) for one vine tree and one branch of a plane tree; and Manoli Petrakaki had to reimburse 1,150 piastres (8l. 13s.) for three small caroub trees.

(Signed) ALFRED BILIOTTI.

Canea, Crete, December 1889.

Inclosure 2 in No. 152.

Cases of Ill-treatment and Outrages, as reported to me by the aggrieved parties or on their behalf.

PROVINCE OF RETHYMO.

District of Amari.

Village of Yeraki.—Anagnosti Yannukadakis and Mihail Stelianakis, both Elders of that village, on refusing to return the quantity of corn claimed by Mussulmans as having been stolen from them, were imprisoned at Amari, and in order to insult them, compelled them to carry water for the use of prisoners from the fountain. They were subsequently conveyed to Rethymo, their hands being bound with their sashes, and being pushed and struck with the butt-ends of rifles.

Georgi Akoumianaki, accused of having carried off the door of the mosque in the village, was given upwards of fifteen lashes, when, in order to escape further punishment, he said that the door, which was subsequently discovered in the village of Ellenes, had been stolen by Anastassi Patraki.

Village of Merones.—Hadji Joannis Caloïda's case, which was the talk of all the Province of Rethymo, was related to me as follows, by the priest of the village:—

Owing to his knowing Arabic, Hadji Joannis was on intimate terms with the commanding officer of the troops stationed at Merones. On one occasion, when both were drinking together in Hadji Joannis' house, the officer told him that he was a rich man in being the father of many young girls, who in his country were given away or sold at 40l. or 50l. each. Some time after, a native Mussulman having told Hadji Joannis that the officer was in love with one of his daughters, the whole family departed for Athens. No direct proposal nor any violence of any sort was ever used by the officer in question towards any member of Hadji Joannis' family.

Mihail Simandriaki complained that towards the middle of November he was struck three times, with his wife, by the Major in command, because he refused to supply with victuals the troops as he was ordered to do by his employer, Hussein Kaulamataki of Rethymo.

Joannis Moshonos was given three lashes while in prison at Amari, because his son had absconded.

Nicola Adamaki was struck three blows by the sergeant of gendarmerie on his being released from prison, where he had been lodged for his having stolen Mussulman property.

Village of Pantanassa.—Vassili Ilarakopos was apprehended under accusation of theft, and given ten lashes before being put in prison.

Giorgi Alexandrakis, a Conservative, having promised to return four rafters which he had stolen, Nicola Vaulgaris, another Conservative, begged the Christian Government Councillor to release the prisoner. This request was refused, but complied with on the demand of Giorgios Patakas, a Liberal, to whose party belongs the Councillor.

Village of Kalaghero.—In his absence it was related to me by a third party that Christodoulos Thomassaki having quarrelled with one of the native gendarmes who were conveying him to prison, towards the middle of November last, he was taken out of prison at night and whipped by his order by a foreign gendarme. As he was suffering from diarrhœa he soiled his linen on this occasion, and also in the prison, when he was made to carry out the filth with his hands. It was further reported to me that Thomassaki was again beaten by gendarmes for refusing to follow them at night.

Village of Nefs Amari.—The seat of a Mussulman Governor. The officer of gendarmerie slapped in the face Mashî Venieri for his making an observation to the individual who accused him of theft.

Conservatives complain that, at the instigation of Liberal Christians, the Government has ordered that 1,500 mules should carry victuals to troops from time to time, and that no mention was made of paying a hire. On this order, twelve mules having been requisitioned from the village of Monastiraki, only eight were furnished.

In other neighbouring villages the inhabitants complain that mule hire was not always paid on conveying Government stores.

Village of Kovanou.—A few days ago a lad, from whom drunken gendarmes asked for a little tobacco, getting frightened ran away, but was captured, and threatened by one of the gendarmes, who drew his sword, to have his throat cut. Taharia, the brother-in-law of the youth, having interfered, was felled to the ground with the butt-ends of rifles, and so bruised that he was unable to work for a few days. The sergeant of gendarmerie sent the culprit to Rethymo for trial.

District of Mylopolamo.

Village of Veni or Katerghiani.—On the 1st instant, Christians with music at their head were proceeding for a wedding from the village of Lakkas to that of Veni, when they met six Albanian gendarmes with a sergeant on their way from Rethymo to Candia, who exchanged salutations with them. Further on, three other gendarmes belonging to the same squad, but not acquainted with the Greek language, seeing a number of men (some of whom it would appear were carrying fire-arms) followed them out of the high road, and spoke to them for some time in Turkish, while the Christians spoke in Greek, neither party understanding each other. The gendarmes took position on a height and watched what was going on. The Christians, on nearing the bride's village, discharged (as it is usual to do on such occasions) fire-arms. The gendarmes fired on the Christian party, killing a certain Giorgis Boudianos, and took to the main road, where, meeting a certain Drako Macripodi coming from Asos, but who they thought intended to cut off their retreat, they attacked him, wounding him in the foot with a bullet, in the arm with a sword, and on the head with a stone. Giorgi Countatos, who was following with Drako's wife, having hastened to the assistance of his friend, received three slight sword-wounds on the head and shoulder. The wedding party, attracted by the noise, hastened on the spot, disarmed the three gendarmes, soundly thrashed them, breaking their heads, and shut them up in a house. Giorgis Plomnis, the Primate of the Commune, who resides at Garazzo, fearing further complications, proceeded to Veni, sent to Rethymo the three gendarmes under the escort of those stationed at Garazzo, and with the assistance of the Major of gendarmerie recovered their arms from the Christians. Giorgis Plomnis, who gave me the foregoing details, stated to me that the three gendarmes were sober, and that the whole incident is to be attributed to a misunderstanding owing to their not being acquainted with Greek nor with Christian customs. The gendarmes stated in their depositions that they were fired upon by the Christian party.

Dafuidiano Ilani (jun.) Papa Costandis (a priest) was compelled by gendarmes to dismount his mule, on which rode the sergeant, while he followed on foot; but he was not otherwise ill-treated.

Village of Kefali.—Mathios Mathiadokis, having refused to lend his mule to gendarmes who required one to carry their luggage, was thrown down from his beast, which he was riding, and so ill-treated that he is since suffering from hernia.

Village of Perama.—It was the seat of the Christian Governor of the district of

Mylopotamo. Christian Conservatives having burnt down the Government House and archives, the Kaïmakam resides now at Castetti, which consists of a few houses on the sea-shore.

Two hundred and fifty-nine Mussulman houses, or rather rooms, were burnt in this district and in that of Amari, while not a single Christian house or church suffered in any way. Nine mosques and two Turkish schools were destroyed by Christians.

Village of Melidoni.—Two soldiers, that were lately sent to purchase sugar and coffee, got drunk, and discharged five or six times their arms in the village, which frightened the inhabitants.

Village of Roumeli.—Stelianos Astrinakis Castandis and Emmanouil Souloudakis were condemned by the court-martial to one year's imprisonment for a scuffle with Mussulmans, which took place on the 2nd July last, that is, before the proclamation of the state of siege. Despina Kaomapoula was returning to the village towards the end of October, when she passed two soldiers, one of whom ran after her, placed one of his hands over her eyes, and the other, in which he was holding a handkerchief, over her mouth in order to stifle her cries. Having managed to get hold with her teeth of one of his fingers, the soldier felled her to the ground, knocked her on the head, disengaged himself, and ran away. The case was referred to the commanding officer, who promised to find out the culprit and punish him, but she heard nothing more on the subject.

Village of Angheliana.—Nicola Taharakis stated to me that soldiers having seen him burying a child in the churchyard, which is at a little distance from the village, and believing that he had concealed valuables, opened the grave, but did not touch the mortal remains. He further related to me that Nicola Tourakis, his brother-in-law, who complained to the commanding officer, was by his order exposed to the sun for a whole day, and released on the intervention of native Mussulmans.

The inhabitants complain that soldiers fetch water also from other wells than the one affected to their use.

District of Rethymo proper.

Village of Pighi.—It consists of about 100 houses. I give, as an example, the details of the damage done to the church and four chapels in this village:—

Church of Panagia.—Altar-slab thrown down and broken, three windows and one half-door carried off.

Chapel of Aghios Giorgios.—Altar-slab removed from its place, one door and one window carried off, three tombs open, but contents not touched.

Chapel of Metamorphosis.—Altar-slab removed, deal plank panel and earthenware baptismal basin broken.

Chapel of Aghia Parsakies.—Altar-slab removed, one window and one door stolen.

Chapel of Aghios Nicolaos.—Two altar-slabs removed from their place, part of deal plank panel broken, one cupboard shutter carried off.

Andrea Manalaki, and his son Alexandros, who were mentioned in the Memorandum handed to Her Majesty's Minister at Athens as having been skinned before being murdered, were shot and killed with fire-arms, their noses and ears being cut off after death.

Village of Perivalia.—The church, which was one of the best ones in the district, was profaned; thirty-two seats (for one person each), one door, two windows, one walnut desk, and the iron bars of ten skylights were stolen; the altar-screen, which was partly carved, was entirely demolished and destroyed, as well as the pictures hanging on it. Forty-two tombs were opened, and part of their contents thrown out and dragged about with ropes.

This is another example of damage to churches:—

Monastery of Ilalevi.—It was nothing better than a ruin, and was deprived of the wood-work that was worth getting; twenty-five cypress trees were cut down. The church, which was of no inferior style than the preceding one, was similarly dealt with. Three tomb-slabs were broken, but a dozen tombs, opened during the insurrection of 1868, remain uncovered since that time, with skulls and bones in a heap, weeds and plants growing in the soil, which has accidentally fallen in here and there.

Village of Soutro.—Dimitri Vavadaki, having been conveyed a month since, bound by the hands and neck, to the village of Pighi, the sergeant of gendarmerie of this Commune was removed to that of Spelli, as a punishment for this treatment.

Village of Armenous.—It consists of ninety houses, ten of which are Mussulman. Soldiers having been stationed in a block-house not far from the village, Mussulman emigrants were encouraged to proceed so far, and to plunder the houses, which, as in all

similar cases, had been deserted by their owners. It would appear by the declaration also of Mussulmans of this village that the soldiers stationed there took a part of the spoils. They sold planks, ladders, casks, and jars for a value of 300 piastres (2*l.* 6*s.*) There Captain Hadji Osman is said to have gathered valonea on his account, which he disposed of for 40*l.* or 50*l.* Christian and Mussulman property and crops were indiscriminately plundered by Turkish emigrants. Three churches or chapels were pillaged in this village. The present complaint of the inhabitants is that soldiers are cutting down young valonea trees, or branches of grown-up trees, for fire-wood.

A Mussulman having been murdered here at the beginning of September last, his co-religionists retaliated on a Christian. The murder being attributed to outlaws, no Christian was apprehended; four or five Mussulmans were imprisoned under suspicion but released one month after.

Village of Gonia.—Jannis Tsangorakis, who was reported to me by a Christian (answer to Memorandum handed in at Athens) as having been murdered while carrying off a Christian girl, was, on the contrary, killed by Mussulmans. It was also related to me that Nicola Apostalakis, having been wounded and made a prisoner, had his head and his hands cut off by native Mussulmans, who also plundered the church. Vassilios Franghiadakis states that, about the middle of November, he was deprived of 3 dollars and of his watch by gendarmes conveying him to Rethymo.

Emmanuel Polakakis and Manalis Sarmetakis were given each two or three blows with the butt-ends of rifles, the first for declining to call his brother, and the second for refusing to show to gendarmes the house of one of his fellow-villagers.

One month back Apostalis and Stelianos Androulakis were deprived in the town of Rethymo by soldiers of their money-bags containing 33*s.*

Joannis Mitakis was kept in prison during seventy-five days, seventeen of which in fetters, under suspicion of having murdered a Turk. On his being apprehended he was stretched on the ground and held by gendarmes, their Major giving him twelve blows with a stick. He states that prisoners were allowed twice a-day to get out of prison for satisfying nature; that a tin pot was also kept in the prison, but that, as it was too small, they had to make use of their plates.

Village of Vederous.—Two tombs were opened by native Mussulmans, and the church was pillaged. Evaghelhis Tsifakis complains of having received no hire money for his mule, and of its bridle having been carried off by a soldier.

Village of Prines.—Native Mussulmans opened five tombs, and pillaged four churches and chapels, and one school.

Marouli Missantaki, while working in the fields with her brother-in-law, was carried off by an armed band of eight Christians, who gave her back on a ransom of 16*l.* being paid to them.

Complaints against soldiers are that they take the fire-wood of Christians, and take water also from other fountains than those affected for their use.

Costandi Papadaki, having recovered part of his stolen property, applied, without success, to the Governor for the restitution of the remainder of his goods by the same Mussulman.

I have also visited the following villages, churches, and chapels, which were plundered: Anaghia, one church; Aghia Erini, one church; Castillos, one church, three chapels; Metahia, one church and one school.

Village of Atsipopoulo.—The church of this village, being a new and fine building, has suffered a damage equal to that of all other churches put together. A chapel was also plundered and two tombs opened.

On my arrival in this village I walked, as I was in the habit of doing, to the house of the primate, and was told that he was so persecuted and threatened that he had been compelled to take to the mountains, where he was still. But shortly after walked in the primate, who, if he had ever been wandering on mountains, was not the worse for it. He explained that this village had suffered more than all others from plunder owing to its proximity to the town. He also complained of the party animosity which still existed between Christians, and caused persecutions.

Towards the middle of November last Giorgis Kokinakis, 70 years of age, was struck by soldiers with the butt-ends of their rifles and compelled to follow them with his mule for a distance of one hour and a-half.

Emmanuel Konatzonis, having refused to lend his donkey, was fastened with it in the stable by soldiers, and only released on the prayer of a native Mussulman.

Christians complain everywhere that they cannot obtain the restitution of their property stolen by Mussulmans. The damage done to houses is insignificant as compared to the value of valonea and caroub crops which were gathered by Turks, and which are

reckoned to amount to upwards of 20,000*l*. There is no doubt that with a little good-will most of these articles might have been recovered by the local authorities. Stolen valonea and caroubes were sold to merchants at Rethymo, who know the names of the sellers, but notwithstanding that Christians claimed over and over again they were unable to obtain redress.

I must state, however, that Mussulmans in the villages of St. Andrea and Valsamonero, whose mosques were pillaged, and whose crops were plundered by Christians, make identic complaints.

However, it is certain that the ill-treatments and beating which took place about two months back had for object to obtain from Christians the restitution of Mussulman property, and that no similar pressure was put on Turks for the recovery of Christian property.

The Commissions appointed for the amicable settlement of claims have failed in their task all over the island.

The loss of church property in the district of Rethymo proper is computed by Christians to amount to 1,000*l*., and by the Government, which do not take into account pictures and altar-screens, to only 300*l*. But 700*l* or 800*l*. may be taken as representing the real damage to Christians, and 200*l*. to Mussulmans, for places of worship and schools.

Part of the crops of the latter were stolen by their co-religionists, but 115 rooms were burnt down by Christians, who lost only 17.

I was unable to find out the nature and quantity of sacred objects sold at public auction either from Christians at large or from the Bishop, as Christians were afraid to approach the place where the sales were taking place. However, it seems certain that pictures and Gospels were knocked down to Mussulmans on speculation, while, on the other hand, three circular silver-plated images and one cross were offered for sale to two Christians, and left with them on their refusing to buy them.

The Bishop of Sampini, Aghios Vassilios district, whom I met at Rethymo, told me that the profanation of churches by native Mussulmans has also for object to obtain possession of Christian relics, to which they attach the power of rendering them invulnerable to Christian bullets. These relics consist of an almost imperceptible piece of bone supposed to belong to the patron Saint of the church, which is placed in a square ball cut under the altar, and is filled up with the remains of the wax tapers used by the assistants at the time of the consecration of the building. Native Mussulmans carrying on them these relics are always at the head of the armed bands attacking Christians during insurrections. A church is profaned by the removal of the altar-slab. Peasants, who subsequently confirmed to me the assertion of the Prelate, added that after a certain lapse of time Mussulmans, fearing that the relic may have lost part of its power, bring it to the church and place it on the altar while the priest is saying mass.

While we were in the village of Sampini, district of Aghios Vassilios, Captain Brenton and myself were begged to have an interview in a house where were concealed three individuals who could not show themselves in public. They were outlaws, who assured us that, far from having been hostile to Mussulmans, they had saved Turkish property and life, which they could prove by Mussulman witnesses, but that they were calumniated by Christians of the opposite party.

I told them that all I could do for them, if they gave me their names, was to inquire from the Vali as to the truth of their statement, in which case I saw no motive for their continuing to abscond.

These three individuals were apprehended and conveyed to Rethymo by the Colonel of gendarmerie before my arrival in that town. That officer informed me that in their interrogatory they had stated that I had advised them to keep to the mountains until they again heard from me. On hearing of this report, one of the prisoners wrote and assured me that he had never stated anything of the kind, but that he had been made to sign a Turkish paper, the contents of which were unknown to him, although he was told it contained his own words.

(Signed)

ALFRED BILIOTTI.

Canea, Crete, December 1889.

Consul Biliotti to the Marquis of Salisbury.—(Received January 21.)

My Lord,

Canea, Crete, January 10, 1890.

MUTUAL diffidence prevails in all transactions between the Imperial Government and Christians.

On the part of the latter this feeling is partly genuine and partly got up as a means for attaining their ends.

There is as much desire on the part of Christians to get rid of Turkish rule as on that of Mussulmans to recover their former power.

Under these circumstances it was to be expected that Christians would have received the Firman of the 1st Rebi-ul-Akir, 1307 (24th November, 1889) with the foregone conclusion that it aimed at abolishing all privileges and concessions granted in former years, and in re-establishing the bygone régime.

Christians construed some Articles as openly hostile towards them, and detected in the remaining Articles, sentences, and words an inimical concealed intention.

The Mussulman local authorities, on the other hand, gave the greatest assurances of there being no open or hidden hostile meaning in the Firman, which only aimed at promoting the welfare of the population at large of the island, but at the same time they did not conceal that, in the present instance, there was an intention to impress on Christians, by taking back half the Customs income, that each political or insurrectionary movement on their part was not necessarily followed by fresh concessions, but might result in loss.

Therefore it behoves us to examine how far are justified the apprehension of the one and the assurances of the other party.

That the present Firman abolishes certain privileges and concessions is beyond a doubt.

If the principle should prevail that no modifications in the Organic Law and the Pact of Halepa can be made by the Porte only, the Firman of the 1st Rebi-ul-Akir should be repealed altogether.

This is a question beyond my competence.

I shall therefore limit myself to point out the advantages or disadvantages that may accrue to Christians out of the disposals in this document.

I have discussed with Christians in the districts which I have recently visited, and also in this town, the Firman, Article by Article.

I have, furthermore, exchanged views with my Greek colleague.

It resulted from my inquiries that, after leaving aside minor questions, four points required explanation, and that three, which are more essential, might be discussed at leisure, after adopting certain measures which were recommended as likely to abate excitement.

Having subsequently referred to the Vali, I had the honour to transmit, on the 3rd instant, the following telegram to your Lordship:—

“The following four points being considered as open to a detrimental construction for Christians, his Excellency Shakir Pasha has assured me (1) that the power of the Governor-General is in no way affected by the duties assigned to the Government Councillor; (2) that the preference to be given in Government employment to individuals knowing Turkish is limited to Cretans; (3) that the annual sum of 1,500*l.*, and not the whole of the income, is the equivalent for Vacoufs; and (4) that Christians who have taken no part in the recent disturbances may be appointed to be officers in the gendarmerie. However, it would be preferable that Mussulman and Christian native officers should be excluded from that corps. The Vali intends to dispel these doubts by addressing a Circular to the Governors of districts, but only assurances from the Imperial Government could satisfy Christians.

“The following measures are recommended by Christian leaders as likely to calm down excitement:—

“Dismissal of court-martial; appointment, under present Mussulman Vali, of a Christian Government Councillor. As there are no Christian officers, dismissal also of Mussulman officers from the gendarmerie, and appointment of Christian privates in that corps. Confirmation in their functions of the lately appointed Judges, and postponement of fresh elections of Deputies to the General Assembly to a more quiet period.

“The Vali has no objection, but points out that court-martial must sit should future insurrectionary movement take place, and should soldiers or gendarmes be fired at or murdered.

"After the adoption of the foregoing measures the objections against the Firman would be reduced to three essential points, which could be discussed at leisure. These points are :—

"1. That while a simple majority was hitherto required for enacting new Laws, a majority is now required of two-thirds of the total number of Deputies ;

"2. That the Deputies to the General Assembly having to be polled by a restricted number of electors, the latter might be easily bribed ; and

"3. That the half of the Customs revenue should not be withdrawn from the local Treasury.

"The Vali does not admit of any alteration in the Firman.

"The majority of Christians and Mussulmans would exchange with pleasure the right of electing Judges against their being appointed by the Vali, and a less complicated civil procedure, which is not expected to be carried out by the General Assembly, imposed by the Government, would be hailed by the populations at large with the greatest satisfaction."

I have had the honour to make this day to your Lordship, on the same subject, a further telegraphic communication worded as follows :—

"The Vali issued on the 8th instant the Circular mentioned in my telegram of the 4th instant. This document is considered by town politicians as leaving no other option but that of an insurrection. However, honest Christians consider as settled to entire satisfaction the questions concerning the Government Councillor and the Vacoufs. Furthermore, that if, as it is proposed by the Vali, the Imperial Government should consent to pay, out of half the Custom-house revenue, the Public Debt of this island, amounting to 60,000 liras, this financial arrangement would give satisfaction for six years to come. The preference to be given for knowledge of Turkish is explained in a way which increases mistrust, instead of dispelling it.

"With regard to the gendarmerie, the Vali has inquired from the Government at Constantinople whether he is to dismiss Mussulman or to appoint Christian native officers. The ire of town politicians has been aroused by a hint in the Circular implying the appointment, and no longer the election, of Judges, and the simplification of the Civil Code of Procedure.

"The appointment of Judges by the Vali is considered by wise Christians as a most beneficial measure, which, however, should be so introduced as to exclude the idea of the abrogation of a privilege.

"The Vali does not object, but cannot recommend the appointment of a Christian Government Councillor.

"This measure, as well as a definite decision with regard to native officers of gendarmerie, should be taken without loss of time."

Three points out of four having been satisfactorily explained, the remaining one should be as clearly stated, that is, whether natives of other provinces knowing Turkish will be admitted to compete with Cretans for Government employment. In that case it would be as well to tell natives that they are not to expect employment in their island.

I have now to offer the following observations with regard to the three points considered by Christians as being of more importance :—

1. It being stated in the Halepa Pact that "the General Assembly has a right to submit to the approbation of the Sublime Porte modifications decided upon by a majority of the two-thirds of votes," and that "the majority of two-thirds shall only apply to the foregoing paragraph," Cretans have assumed, and ever since acted on the principle, that a simple majority was sufficient for enacting new Laws. Christians now state that an alteration in the existing system would deprive them of the possibility of ever forming a majority, to obtain which all the Christian Deputies and three Mussulmans should vote together.

Another point in contestation under this head is that while, according to the Halepa Pact, two-thirds of the votes are required, the present Firman extends this proportion to all the members of the General Assembly. It would be in the interest of all parties to fix a quorum of the General Assembly.

2. The new polling system, instead of "plébiscite," for the election of the Deputies to the General Assembly of a restricted number of electors appointed for the purpose, is considered by Christians as endangering the legality of elections, inasmuch as a small number of individuals is more susceptible than the public at large to bribery and influence.

Elections always giving rise to more or less serious disturbances, their number and their recurrence should, on the contrary, be reduced as much as possible.

There would be no apparent motive on the part of the Porte to maintain this system

of election if its application this year should fail to fulfil the advantages that may have been anticipated by the Imperial Government.

3. The proposal of the Vali, if approved as it is hoped by the Sublime Porte, with regard to the sum of 14,000 liras arising out of half the Customs revenue, will, as I have said, give satisfaction for about six years; but Christians are asking what will become of this income after that period.

In conversation, his Excellency Shakir Pasha stated to me that the Government considered as indispensable that an indemnity of 60,000 liras should be paid for the principal damages that occurred during the recent disturbances, and that there was some idea of collecting this sum (which it proved impossible to obtain as a loan) by increasing the tithe by 1 per cent.

I submitted to his Excellency's consideration that a taxation falling on the population at large would produce great dissatisfaction, and that if this same half Customs income was further apportioned to the payment of the intended indemnity, this arrangement would give a lease of nearly fifteen years during which no financial question could be raised by Christians in this island. But my suggestion not appearing to agree with the financial scheme of the Sublime Porte, I hinted as a set-off to a general pardon by the Sovereign to the prisoners condemned for political offences during the late troubles.

Christians at large place great confidence in Shakir Pasha's word, but state that if his statements are not confirmed by the Imperial Government his successor may give another construction to the contents of the Firman. Should the Sublime Porte do so, it might avail itself of the opportunity for giving the further elucidations that may be considered as opportune with regard to the questions of the preference for knowledge of Turkish, of the majority of two-thirds, and of the electoral system.

The important Vacouf question being satisfactorily explained, that concerning half the Custom-house income being settled in conformity with the proposal of the Vali, and being susceptible of further development, little motive of complaint would be left to Cretans with regard to the contents of the Firman.

But the feeling lies deeper. The agitation which now takes place in this island is not consequent on real discontent among the rural population, who cannot understand the niceties of a written instrument, but who are induced to side with town politicians; the latter act in consequence of a foregone conclusion to find fault with everything connected with the Turkish administration, and of instructions from the Cretan refugees in Greece.

There is another question which, in my opinion, is more important than all others.

Nearly all, if not all, Christians and Mussulmans wish that Judges should be no longer elected, but should be appointed by the Vali. So long as this modification does not take place, half the population, as divided by political factions, not by creed, will be oppressed by the other half.

Furthermore, the population at large are most anxious that a summary procedure should supersede the existing civil procedure, which last entails upon them expenses and loss of time quite out of proportion to the importance of claims in which they are usually concerned.

Christians do not expect that the General Assembly will ever agree to the one, or carry out the other of these measures, as the members of that body are unwilling to come to an understanding.

I must, however, bear witness to the good-will displayed for the purpose by several Liberal lawyers in the General Assembly during the last Session, and which was unsuccessful.

Under these circumstances, the speedy solution of the difficulty can only be attained by the interference of the Government.

But the scare-crow of abolition of privileges and of concessions is such a powerful lever in the hands of town politicians that the rural population would join them in clamouring against an interference all in their favour.

Some independent Christians hope that the General Assembly may be induced to sanction the nomination of Judges by the Vali, but others maintain the contrary, and advise an immediate interference.

In the meanwhile, the population are suffering, and what is worse, factions and party animosity are entertained and increased by the election of Judges.

The presence of a Christian Government Councillor, under the present Mussulman Acting Vali, would give a legitimate satisfaction to Christians.

The question concerning native officers of gendarmerie is one that should be decided upon by the Sublime Porte without delay, one or the other way.

I am glad to have to report that a number of Brussa and Anatolia gendarmes, as well as Cretan Mussulmans, who were considered as unfit for the service, are disbanded and replaced by Albanians who are coming by themselves and are known to their countrymen serving in that corps.

I have, &c.
(Signed) ALFRED BILIOTTI.

No. 154.

Admiralty to Foreign Office.—(Received January 21.)

Sir, *Admiralty, January 16, 1890.*
I AM commanded by my Lords Commissioners of the Admiralty to transmit, for the perusal of the Secretary of State for Foreign Affairs, extracts of a letter from the Commanding Officer of Her Majesty's ship "Fearless," dated the 30th December, respecting the state of affairs in Crete.

I am, &c.
(Signed) EVAN MACGREGOR.

Inclosure in No. 154.

Commander Brenton to Vice-Admiral Sir A. Hoskins.

(Extract.) *"Fearless," at Suda Bay, December 30, 1889.*

I HAVE the honour to inform you that I concluded my tour of investigation, in conjunction with the British Consul, on the 25th instant, and am engaged in preparing a Report of all that came under my observation during the journey.

The state of Crete is at present, generally speaking, very quiet. The heavy rains which have lately been prevailing dispose the peasantry to leave their villages in order to demonstrate upon the mountains.

No disturbance is likely to take place until at least the spring of the year, and now that the Turkish soldiers hold most of the strategical points, it is acknowledged on all sides that a rising would have little chance of success unless it were openly supported by Greece or some other European Power.

The constrained absence of most of the turbulent Christian element from the island, renders it possible that the quiet agricultural population may forget their grievances whilst engaged in the cultivation of their crops.

No. 155.

Sir E. Monson to the Marquis of Salisbury.—(Received January 24.)

My Lord, *Athens, January 16, 1890.*

HER MAJESTY'S ship "Fearless" has been for several days at the Piræus, and before her sailing to Platœa I had several opportunities of hearing from Commander Brenton his experiences on his recent tour in Crete in company with Mr. Biliotti.

Captain Brenton's Reports will have reached your Lordship from the Admiralty, so that I need say no more on this head than that he is thoroughly impressed with the untrustworthiness of the vast majority of the stories of the outrages committed by the Turks upon the islanders, and with the insignificance of most of the acts of harshness and of profanation which have been verified.

I was much struck by the manner in which Captain Brenton spoke of Mr. Biliotti's energetic investigation of these outrages, as well as by the account which he gave me of the universal respect and esteem in which that gentleman is held by Christians and Mussulmans alike. His personal position towards all parties appears to be everything that could be desired.

There is no doubt, in Captain Brenton's opinion, that Mr. Biliotti commands exceptional influence with all parties in Crete.

I have, &c.
(Signed) EDMUND MONSON.

Sir W. White to the Marquis of Salisbury.—(Received January 24.)

My Lord,

Constantinople, January 18, 1890.

WITH reference to my despatch of the 14th ultimo, I have the honour to inclose herewith a cutting from the "Levant Herald," giving a list of the names of the persons who do not benefit by the amnesty.

The numbers here quoted would appear to tally with those given by Mr. Biliotti in his telegram of the 31st ultimo, except that in this cutting sixteen persons are given as condemned in default, whereas Mr. Biliotti gave half that number as condemned by default, and half whose sentences were under consideration.

I have, &c.
(Signed) W. A. WHITE.

Inclosure in No. 156.

Extract from the "Levant Herald" of January 18, 1890.

AFFAIRES DE CRÈTE.—Une Proclamation du Général Chakir Pacha, en date du 19 Décembre (v.s.), porte qu'en vertu d'un Firman Impérial, l'amnistie est accordée aux prévenus politiques, à l'exception de ceux qui ont été condamnés par la Cour martiale, jusqu'à la date de la publication du Firman de modification, ainsi que des chefs de l'insurrection et des coupables de délits de droit commun.

Voici les noms des personnes qui ne bénéficient pas de l'amnistie :—

Condamnés par jugement contradictoire :—

Manoli Tchipaki, Yorghis Anagnosti Gogoni, Manoli Varizaki, Yorghis Codjabachaki, Manoli Castrinaki, Manoli Carpassaki, Constantin Pricoudaki, Nicola Yorghis, Manoli Marcandonaki, Yani Timourdjaki, Roussos Christodoulaki, Yani Anastassaki, Artemi Nicaki, Hadji Manoli Economaki, Yani Assissianaki, Vassili Constanti, Nicola Papa-zionaki, Antoni Savaki.

Chefs de l'insurrection qui ont été jugés et condamnés par défaut, et dont la sentence va être prononcée :—

Aristide Criesi, Yani Miaki, Nicola Christodoulaki, Dimitri Papazaki, Antoni Sifaka, Dimitri Gogoni, Steliano, fils de Hadji Manoli; Manoli Micheletto, Nicola Lazouridi, Andrea Cacousi, Yorghis Pipaki, Emmanuel Orphanos, Yorghiadis Vassilaki, Chef de Gendarmerie; Mentzicoff Voulakaki, Spiro Malioritto, Stamatti Mavrogeni.

Chefs de l'insurrection dont le cas est susceptible de jugement :—

Mino Ishaki, Antoni Yanaraki, Poloyorgaki, Venizilaki Lefteri.

Voici maintenant une nouvelle liste de condamnations prononcées par la Cour martiale de Crète :—

Deux soldats nommés Ali, dont l'un condamné à une semaine de réclusion pour avoir souffleté un garçon cafetier, et l'autre réprimandé pour avoir fréquenté les cafés dont l'accès est défendu aux militaires.

Yani Brouzno et le cafedji Ali, condamnés, le premier à six mois, et le second à un mois d'emprisonnement, le premier pour avoir tiré plusieurs coups de revolver contre une maison de tolérance à la Canée, et le second pour avoir tenté de forcer la porte de cette maison.

Le zaptié Ahmed et les nommés Djémali Mascoli, Seraïlaki-Moustafa, Ali, Belil Moustafa Postoli, Hassan Yaya Husséin, et le cafedji Mehemed, le premier à six ans de prison, et à être renvoyé du service, pour avoir tiré un coup de revolver dans une maison de tolérance, et avoir résisté les armes à la main à son arrestation, et les autres à un mois de prison pour avoir tenté de délivrer le même zaptié des mains de la police.

Stavri Kharitaki et Mehemed Gaz, à un mois de prison pour s'être menacés l'un l'autre avec leurs armes.

Sir R. Morier to the Marquis of Salisbury.—(Received January 27.)

My Lord,

St. Petersburg, January 15, 1890.

I HAD the honour to receive last night Consul Biliotti's telegram of the 10th instant, which was forwarded to me by your Lordship. As I was going to M. de Giers

I thought it might interest his Excellency to hear its contents, and I therefore read to him a summary of it. We neither of us knew to what Circular the telegram referred, but we both assumed that it must have emanated from Chakir Pasha, and be explanatory of the Decree of Amnesty.*

His Excellency entirely agreed with the last paragraph in Consul Biliotti's telegram, viz., that the appointment of a Christian Government Council and a decision with regard to native officers in the Gendarmerie should not be delayed. The most mischievous side of the Cretan question was the state of suspense in which everything was kept. The proposal to appoint instead of electing Judges seemed to him in itself a good one, seeing the political elements out of which the present electors were composed. There was the difficulty, however, of deciding with whom the power of appointment should be. There was no doubt that the measure would not only have the appearance, but be in reality the abrogation of a privilege, but this difficulty might be removed by giving to it a temporary character, so as to tide over the present anarchical phase through which the country was passing.

I have, &c.
(Signed) R. B. D. MORIER.

No. 158.

Consul Biliotti to the Marquis of Salisbury.—(Received January 27, 1.15 P.M.)

(Telegraphic.)

Canea, Crete, January 27, 1890, 8.10 A.M.

I HAVE sent the following telegram to Her Majesty's Ambassador in reply to a telegram which I received from his Excellency yesterday:—

"There are in all thirty-eight persons who are excluded from the amnesty for political offences; eighteen of these are undergoing terms of imprisonment, and the rest may be regarded as outlaws, although three of them would certainly be acquitted at their trial if they consented to appoint some friend to represent them. The number of political offenders now in Greece who cannot safely return to Crete has thus been reduced to twenty at the most. The discrepancy in the estimate of the refugees excluded from the amnesty arises solely from a deliberate exaggeration of the numbers from twenty to 2,000.

"According to the most exaggerated statements on the subject, there are now 1,000 refugees in Athens; the actual number is probably from 500 to 600, and of these perhaps one-third may be excluded from the present calculation as being liable to punishment for offences against the common law.

"The simplest way of arriving at the truth would be for a nominal list to be drawn up at Athens. I will make one myself, which I hope to send in a week or so.

"It is a wonder that more people do not emigrate to Greece, considering that an allowance is given to the refugees by the Government. Fifteen persons have embarked to-day without any apparent reason, and if they receive allowances like the rest, many others will follow. It rests, therefore, with the Greek Government to regulate the extent of the emigration."

No. 159.

Consul Biliotti to the Marquis of Salisbury.—(Received January 28.)

My Lord,

Canea, Crete, January 13, 1890.

I HAVE the honour to report concerning Nicola Christodoulaki, the ex-Major of gendarmerie in this town, who was condemned to death, but whose penalty was commuted to imprisonment for life.

This sentence not having yet been published, I am not exactly acquainted with the charges against him; but, so far as I have been able to find out, desertion is the principal one.

Towards the end of July, when matters were assuming a threatening aspect, part of the gendarmerie deserted, and the remainder followed Christodoulaki when, a few days later, he departed for his village.

* This was correct.

I heard at the time, and since, that if Christodoulaki had remained in the town he would have been killed by some Mussulmans who had an old grudge against him.

But his departure from Canea is less justified by an apprehended danger than by the fact that, under the circumstances, his presence would not have been of the slightest avail for maintaining or restoring order.

Christodoulaki's conduct after his departure from the town is commented upon in quite opposite terms by Liberals and by Conservatives; but party feeling has to do a great deal with appreciations.

Therefore, desertion may be considered to be the real charge against the ex-Major; but desertion of Cretan native officers cannot be placed on a par with desertion in other countries and places.

I have often stated in my reports that native gendarmerie was worse than useless.

The institution of this corps had for its only object to keep on the island 45,000*l.* or 50,000*l.* by distributing it under a pretext of some sort among some 1,500 men; but no one ever expected officers and men to perform any real duties.

It was known beforehand that in case of emergency Christians and Mussulmans in that body would have crossed the line of demarcation of the two camps and joined their respective co-religionists.

This expectation was fully realized.

Under these circumstances, Christodoulaki cannot be considered as guilty of a serious offence, there being nothing serious in the corps of gendarmerie in which he was an officer.

The ex-Major of gendarmerie having been charged with having appropriated 12,000 piastres belonging to the men under his command, his property was sequestered and ordered to be sold in order to reimburse this sum.

On being informed that 47 out of 600 sheep and goats belonging to him had been knocked down at public auction at less than half their value, I spoke to his Excellency Shakir Pasha, who gave immediate orders to suspend all proceedings, and no further steps were taken against his property.

During my last trip I was told by the father of the petitioner that the wife and children of both his sons, Nicola and Rousso, were prevented from leaving for Athens. On my return Shakir Pasha told me they were quite free to depart, and I informed the families of the fact. They are leaving next week.

Since my passage on the elevated plain of Askypfos, where Christodoulaki resided, his house was searched by an army officer, after he bound and whipped an Albanian corporal of gendarmerie who tried to oppose the domiciliary visit. Having referred the case to Shakir Pasha, his Excellency informed me that the statement was correct, and that by his order the officer, who had acted without authority, was in prison. Christodoulaki's papers were restored to his family.

With regard to Rousso Christodoulaki, I shall only speak of his recent case.

He appears, in fact, to have uttered imprudent words and to have written a somewhat compromising letter.

He was likewise condemned to death, his penalty being commuted to imprisonment for life which he is undergoing at Rhodes.

I had heard, and it was again repeated to me this morning by one of his relatives who heard from him two days since, that, although he is in fetters, he is not in a subterranean prison, nor suffers dreadfully, as stated in his brother's Petition. Rousso is allowed a large cell for himself, one of his nephews condemned for murder, unconnected with the last disturbances, and another of his countrymen, Anagnostos Cavros, an ex-officer of gendarmerie.

There are Cretans who have not been prosecuted and who are more compromised in the late disturbances than Nicola and Rousso Christodoulaki, but there are others who are in prison and exile and are far less culpable than the two brothers. An exception in favour of the two Christodoulakis would weaken the chance of other condemned Cretans to mercy.

An intervention for pardon for the whole of them would be more equitable.

I have, &c.

(Signed) ALFRED BILIOTTI.

Consul Biliotti to the Marquis of Salisbury.—(Received January 28.)

(Extract.)

Canea, Crete, January 13, 1890.

YESTERDAY I had the honour to forward to your Lordship the following telegram:—

"I pointed out to the Vali, on Friday last, that so long as Cretan refugees remained in Greece, intrigues would be carried on by them; that it was therefore urgent to enable them to return to their native country, with a view to restore tranquillity in this island; but that unless some formal assurance was given them that they would not be prosecuted for political offences committed while they were in Greece, no one of them would venture back. The fullest assurances were given to me on that occasion, and repeated to me this day by his Excellency, who said that he could repeat them in the approaching Proclamation concerning elections, viz., that except the political offenders whose names are mentioned in the list of exclusions, and the offenders at common law, all others could return to Crete in all safety. However, raising the state of siege would be the most efficient of all measures. I further hinted that it would be only an act of justice to pardon the sixteen political prisoners now imprisoned in different fortresses of the Empire, they being less culpable than many Christians and Mussulmans who were never prosecuted."

In previous conversations with Shakir Pasha and Djavad Pasha I had submitted to them the following considerations:—

Christians deeply resent the evident partiality used towards Mussulmans, not only in political offences and offences at common law, but also in the recovery of stolen property.

This feeling will keep up, increase, and perhaps lead to an insurrectionary movement if a satisfaction of some sort is not given. In the present instance, besides raising the state of siege, which may be impossible just now, this satisfaction appears to be a general pardon to Christians condemned for political offences, and liberality on the financial arrangement concerning this island.

An act of clemency, besides much tending to improve the state of things, would only be an act of justice. Not one of the political prisoners is the principal in the late disturbances. There are among them individuals whose only crime is to have taken part in meetings, to have carried a letter, even to have written one to their wives, while Conservative Mussulmans, who have provided the manifestants with victuals and money, have not even been called to render an account of their conduct. Not only this, but not a single one of the Mussulmans who are known to have led the armed bands which destroyed Christian property was ever apprehended or brought to trial.

Insurrections in this island have no military importance, inasmuch as no corps of insurgents of any strength will ever meet the Imperial troops. Were it not so, an army of 10,000 men would have been sufficient to destroy all germ of insurrection in the island. But small bands of Christians will fire on Turkish soldiers from behind a tree or a rock, and disappear.

A warfare of this sort may be carried on for years, as it was on former occasions, and the impression in Europe will be the same as if the insurrectionary movement was one of importance.

Consul Biliotti to the Marquis of Salisbury.—(Received January 28.)

My Lord,

Canea, Crete, January 19, 1890.

I HAD the honour to wire yesterday to your Lordship as follows:—

"In the absence of the General Assembly, the Court of Appeal elects Judges of First Instance in the room of those whose term of office expires. Four weeks ago an instance of this nature having occurred, ten Christian Liberal Judges and twenty Assistant Judges were elected by the Appellate Court, whose members belong to the same political party. The Conservatives at Rethymo having strongly complained of the partiality, the Porte ordered that the former Judges should be maintained in office. These Judges, with one exception, being Liberals, refused to resume duties on the ground that the proceeding of the Sublime Porte is illegal. The Christian Judges of the Court of Appeal have resigned this day by order, it is said, of both Liberal and Conservative leaders at Athens, who are acting in concert. The Administrative Coun-

cillors are also expected to send in their resignation on fresh instructions from Athens, as well as all Christian employés."

The motive of illegality put forward by the Liberals is well founded, but the refusal of the Porte to sanction the election of Judges exclusively belonging to one political faction may be justified.

The present is one of the numerous instances in which the Porte is placed in a dilemma consequent on privileges. In every case of this description, whatever may be the line of conduct followed, the Government must inevitably find themselves in the presence of a dissatisfied party, consisting of about half the population, and some time of the whole of it, as it happens that the question is brought on a ground of common interests.

As a privilege confers a benefit, it ceases to be a privilege as soon as, instead of its original beneficial purpose, it becomes hurtful.

The election of Judges in Crete is a principle condemned by all parties, including the Consuls, without exception; but it is a privilege, and Cretans do not admit the right of the Porte to withdraw it. It should be renounced by themselves, but it so happens that the very parties who have a right or the power to do so are interested in maintaining it, and so it has been maintained for years, though it leads the island to its ruin, and assists just now in complicating matters.

The incident reported in my telegram is no other, in my humble opinion, but the continuation of the party contest which began upwards of a year since.

During the disturbances Liberals sided with the Government, and, if not as individuals, but as a party, exerted themselves in preventing disturbances as much as possible. The imprisonment under ungrounded charges of one or two of their faction frightened a few of their leaders who took refuge in Greece, where they had been preceded by numerous Conservatives more or less compromised.

Both parties were anxiously expecting the publication of the Firman, which each of them hoped to be favourable to their respective cause. But it having, in fact, satisfied neither the one nor the other party, they made common cause.

Liberals are deprived of their power by the fresh elections, which are ordered in consequence of a reduction in the number of Deputies, and are, so to say, persecuted in two of their leaders having been included, without real cause, in the list of the cases reserved for trial.

The Conservative party may not be a stranger to the latter proceeding, but being themselves compromised, and having been kept for three weeks in anxiety as to who was to be excluded from the amnesty, they drew, during that time, near their dissatisfied opponents in Greece, so as to have their support in case of need.

They had, as a common cause, the financial question, and the apprehension of the Mussulman element recovering supremacy in consequence of some disposals in the last Firman.

They are acting in concert at this moment, but the incident reported in my fore-mentioned telegram proves that party feeling is far from extinct.

The Tribunals of First Instance in the provinces have followed the example given by those at Canea. However, it is not quite certain that Conservatives will not accept the vacant posts. But this is of little consequence at this moment.

The important feature in the present situation lies in the fact that there is a preconceived scheme, which is carried out with energy, to create complications in this island.

The Administrative Council is expected to likewise resign, and to be followed by the employés at large. All this is executed in consequence of instructions from Athens.

In fact, the present motives of dissatisfaction among Christians on the island are not of a nature to cause a movement; if left to themselves, the population would have asked nothing better than that some means should be devised for enabling them to live in peace.

The situation would become dangerous by itself if these means were not adopted, and if matters were allowed to continue on the present footing.

The agitation which takes place at this moment is got up. The rural population is excited by town politicians who exaggerate every insignificant incident that takes place, and represent under the strongest and gloomiest colours the wrongs under which peasants are labouring.

Then come confidential letters from Athens assuring Cretans that the Hellenic Government is making preparations to assist them, and that the European Powers themselves, or at all events some among them, are in their favour.

These proceedings, if continued, will gradually lead the population to be ready for an insurrectionary movement in the spring, whether it be or not in conformity with the views of the Greek Government.

Cretan refugees in Greece and town politicians here go this length simply because they reckon on compelling Greece to give them her material support, and Europe to interfere in their favour.

One of the leaders in Canea asserts that they are sure to arrive at this result owing to the prevailing dread among all European Governments of complications in Turkey. If they could be convinced of the contrary, no agitation would take place here.

Without any assistance on the part of the Greek Government any attempt at insurrection will prove abortive; but in any case it will have the most fatal consequences for the population of this island.

Some people induce Cretans to believe that Greece single-handed may take possession of the island within a week.

It would be a wonder if Cretans would not undertake a venture presented to them as of so easy success.

However, I do not consider that all hope for a peaceful solution is to be despaired of, but no time should be lost in adopting certain measures of which I speak hereafter, and which are considered as likely to lead to that result:—

1. To raise the state of siege, or if this should not be possible at this moment, to give a formal promise of its being raised if no complications take place on the island within three months.

2. To give assurances in such a way as may not leave the slightest doubt that, with the exception of the sixteen individuals condemned in default, no party leader on his return in Crete shall be prosecuted or otherwise molested for any motive connected with the late disturbances, or for any political offence committed out of the Ottoman dominions. I consider as of the utmost importance that the four leaders whose cases have been reserved for trial should be comprised in this category, in which cannot of course be included the offenders at common law.

3. To pardon the eighteen individuals who are now in prison or in exile in different parts of the Empire.

4. Appointment by the Vali, for a number of years, of Cretans Judges, taken in equal number among the most moderate in both factions, creation of a special local Court having for its object to take cognizance of and decide with the Vali upon all complaints against Judges, whether members of the Court of Appeal or of the First Instance, and promulgation of a summary Code of Procedure.

5. Some concession on finances, if possible, with regard to schools at least.

6. Appointment of a Christian Mushavir (Government Councillor).

7. A decision with regard to the majority of two-thirds in conformity with the existing practice.

8. A decision concerning officers in the gendarmerie.

But at the same time the Greek Government—and this is most important—should suppress on their side the pensions now paid to all Cretans who run no risk in returning to this island, but who may choose to remain in Greece.

I have, &c.

(Signed) ALFRED BILIOTTI.

No. 162.

Rustem Pasha to the Marquis of Salisbury.—(Received January 28.)

RUSTEM PACHA présente ses compliments au Marquis de Salisbury, et a l'honneur de lui communiquer ci-joint la traduction de deux Adresses qui ont été envoyées à Sa Majesté Impériale le Sultan par un certain nombre d'habitants notables de l'île de Crète, et dont le contenu peut être de nature à intéresser sa Seigneurie.

Londres, le 27 Janvier, 1890.

(Translation.)

RUSTEM PASHA presents his compliments to the Marquis of Salisbury, and has the honour to communicate to him the accompanying translations of two addresses which have been sent to His Imperial Majesty the Sultan by a certain number of Notables resident in the Island of Crete, the contents of which may be of a nature to interest his Lordship.

London, January 27, 1890.

Inclosure 1 in No. 162.

Address of Thanks to the Imperial Palace by Cretan Notables.

(Traduction.)

TANDIS QUE les événements regrettables qui ont éclaté dans l'île pouvaient prendre de plus grandes proportions, et entraîner des dommages et des préjudices incalculables, ils ont été circonscrits, grâce aux mesures sages et prévoyantes ordonnées par Sa Majesté Impériale le Sultan, notre auguste et magnanime Souverain, qui sait si bien résoudre les difficultés de toute nature. Les conséquences nuisibles qui en auraient résulté ayant été ainsi prévenues dans un court laps de temps, la tranquillité a été rétablie d'une manière inconnue jusqu'ici dans l'île. Aussi, tous les amis du pays sont-ils unanimes à en rendre grâces à Sa Majesté Impériale le Sultan.

Parmi les dispositions prises, celles qui ont le plus contribué à amener cet heureux résultat sont la nomination au Gouvernement Général du Vilayet de son Excellence Chakir Pacha, qui est doué de tant de qualités politiques et militaires, et le dernier Firman Impérial qui en raffirmant la paix et l'ordre publics a assuré l'avenir de l'île.

Ces faits ajouteront une page glorieuse à l'histoire de l'Empire.

Nous, Soussignés, qui ne saurions assez apprécier cette haute et précieuse sollicitude de Sa Majesté Impériale, le Sultan, prenons la liberté de déposer humblement aux pieds du trône l'hommage respectueux de nos sentiments de vive gratitude pour les mesures adoptées en vue d'assurer l'avenir de notre chère patrie, dont chaque parcelle a coûté à nos pères des flots de sang.

En terminant, nous faisons des vœux pour la prolongation des jours précieux de Sa Majesté Impériale le Sultan, et pour la gloire et la prospérité de son règne.

Le 20 Rébi-ul-Akhir, 1307 (1^{er} Décembre, 1889).

(Translation.)

WHEREAS the deplorable events which have taken place in the island might have assumed greater proportions, and have entailed incalculable harm and damage, they have been confined within their actual limits, thanks to the wise and provident measures ordered by His Imperial Majesty the Sultan, our august and magnanimous Sovereign, who knows so well how to solve difficulties of every kind. The baneful consequences which would have resulted having thus been arrested in a short space of time, tranquillity has been restored in a manner hitherto unknown in the island. Thus, all the friends of the country are unanimous in rendering their thanks to His Imperial Majesty the Sultan.

Amongst the steps taken those which contributed most effectually to bring about this happy result were the appointment as Governor-General of the vilayet of his Excellency Shakir Pasha, who is gifted with so many political and military qualities, and the last Imperial Firman, which by strengthening public peace and order has insured the future prosperity of the island.

These events will add a glorious page to the history of the Empire.

We, the Undersigned, who cannot too highly appreciate this instance of the gracious and valuable solicitude of His Imperial Majesty the Sultan on our behalf, take the liberty to lay humbly before the Throne the respectful homage of our sentiments of deep gratitude for the measures adopted with a view of insuring the future of our dear country, every acre of which has cost streams of blood to our fathers.

In conclusion, we pray for the prolongation of the precious days of His Imperial Majesty the Sultan, and for the glory and prosperity of his reign.

20 Rebi-ul-Akhir, 1307 (December 1, 1889).

Inclosure 2 in No. 162.

Address to the First Secretary of the Imperial Palace.

A son Excellence Sureya Pacha :
Excellence,

NOUS, Soussignés, avons l'honneur d'exprimer respectueusement, par l'entremise de votre Excellence, à Sa Majesté Impériale, notre auguste maître, notre reconnaissance la plus profonde de ce qu'il a bien voulu d'une part envoyer en notre île, en qualité de Gouverneur-Général, son Excellence le Maréchal Chakir Pacha, homme éclairé, capable,

juste, et impartial, depuis l'arrivée duquel les assassinats, les incendies, les pillages, la destruction de bétail, l'abattage d'arbres, et les autres méfaits ayant cessé, nous jouissons sous l'égide de Sa Majesté, des bienfaits de la paix ; et d'autre part, de ce qu'il lui a plu de donner par le Firman Impérial dernièrement octroyé, de nouvelles marques de ses sentiments de haute bienveillance envers notre île en la délivrant du fléau des partis qui lui ont causé des dommages incalculables et en raffermissant le bien-être et le progrès du pays.

Nous élevons donc des mains suppliantes vers le Très-Haut pour le prier d'accorder une vie longue et glorieuse à Sa Majesté Impériale Abdul Hamid Khan, notre auguste seigneur et maître.

(Suivent 62 signatures de Notables Crétois Chrétiens).

Le 25 Novembre, 1889 (v.s.).

(Translation.)

To his Excellency Sureya Pasha.
Excellency,

WE, the Undersigned, have the honour to respectfully express, through your Excellency, to His Imperial Majesty, our august master, our deepest gratitude for that he has been pleased, on the one hand, to send to our island, as Governor-General, his Excellency Marshal Shakir Pasha, an enlightened, capable, just, and impartial man, since whose arrival murders, burning, pillaging, destruction of cattle, cutting down trees, and other misdeeds have ceased, and we enjoy the blessings of peace under the ægis of His Majesty ; and, on the other hand, for having seen fit, in the Imperial Firman recently granted, to give fresh proofs of his feelings of kindness towards our island, by delivering it from the scourge of the parties who have caused incalculable losses to it, and by consolidating the welfare and progress of the country.

We, therefore, raise our hands in prayer to the Most High, beseeching Him to grant a long and glorious life to His Imperial Majesty Abdul Hamid Khan, our august Sovereign and Master.

(62 signatures of Christian Cretan Notables.)

November 25, 1889 (o.s.).

No. 163.

Sir E. Monson to the Marquis of Salisbury.—(Received by telegraph, January 29.)

My Lord,

Athens, January 29, 1890.

WITH reference to that portion of Mr. Consul Biliotti's telegram to your Lordship of the day before yesterday, which relates to the number of Cretan refugees in Greece, which I have represented to your Lordship as being still very considerable, but which that gentleman states has been enormously exaggerated, I have the honour to state that I applied to-day to a Deputy who is a member of the Relief Committee, and that he gave me the total as about 3,000, including women and children.

Of these, about 2,500 are in Athens and the Piræus, and 500 in Syra and some of the other islands.

The total amount disbursed up to this time by the Relief Committee has been 550,000 fr.

The Government would, I believe, be glad to be rid of these people, who cause much inconvenience and cost so much money ; but they cannot use pressure to make them return, as no one feels any confidence that, in view of the terms of the amnesty as to the exception of those who have been guilty of offences at common law, some charge may not be laid against any individual amongst them.

I have, &c.

(Signed) EDMUND MONSON.

No. 164.

Sir E. Monson to the Marquis of Salisbury.—(Received January 30.)

My Lord,

Athens, January 23, 1890.

THE Athenian newspapers publish this morning the following Petition addressed to the Greek Government :—

"We, the Cretan refugees at Athens, request the Hellenic Government to provide us

with munitions of war and with a ship, in order that we may return to our country and share with our brethren the fate and the sufferings of our island. If the Government persists in its decision to refuse us the means of vindicating our rights, now trodden under foot, we request that it may at least place at our disposal a ship in which we may embark, and that it may give orders that the amount of one month's subvention, now in arrear, may be paid to us, so that we may buy cartridges with the money. We have waited long enough. We can no longer support this life, far from our country where our brethren are suffering under the enemy's yoke. Further, we do not wish to continue to be a charge upon the mother country."

I have, &c.

(Signed) EDMUND MONSON.

No. 165.

Sir W. White to the Marquis of Salisbury.—(Received February 3.)

(Extract.)

Constantinople, January 28, 1890.

THE situation of the Island of Crete is again attracting much attention.

Mr. Consul Biliotti, in an interesting despatch addressed to your Lordship on the 19th instant, expresses himself to the effect that "without any assistance on the part of the Greek Government, any attempt at insurrection will prove abortive," but he adds that it may produce great calamities for the island.

The inhabitants of that island, both Christian and Mussulman, are suffering greatly in consequence of the late disturbances, and every reason of humanity and public policy renders it extremely desirable that no fresh outbreak should take place in the island by which great misery would be caused without any apparent good.

The Hellenic Government appear intent on preventing encouragement being given to any organized insurrectionary movement in the island.

If that Government should persevere in this laudable intention there is every reason to hope that things may gradually quiet down there, and that Chakir Pasha, by continuing to act on the qualities which his Excellency has hitherto displayed, will try to remedy the evils from which the inhabitants of the island are now suffering.

From a despatch of Sir R. Morier of the 25th December I observe that M. de Giers admits that, under the peculiar circumstances of the case, something might be said in favour of changes, owing to the undoubted evils shown by the administrative system hitherto in existence in the island.

This appears to be the general opinion outside of Athens and places where great stress is laid on the fact, that Turkey has attempted to deal with the question without consulting the Great Powers, an argument which I certainly will not attempt to discuss in the present despatch.

Mr. Biliotti is certainly of opinion that a few points which he mentions might, by receiving proper attention, go a long way to soothe the feelings of the inhabitants, and considerably to preserve tranquillity.

These points would require careful study, and I certainly could not venture to give an opinion on them without further inquiry as to their importance.

The best course, in my opinion, would be for Mr. Biliotti to be instructed to talk them over with Shakir Pasha. Everything I hear of his Excellency's administration is extremely favourable, and his recommendations to the Porte receive, whatever may have been said to the contrary, careful attention at the Sublime Porte.

I hear that there exists an opinion in Athens that the Imperial Firman is characterized there as a retrograde movement in favour of Islamism, and as drawn up on the basis of placing the Christian element in the island in a position of greater [!] subservieny to the Mussulmans.

I have heard a similar statement made by Greeks in the Turkish capital, but it is not supported by any evidence, and, from my own observations, I may conscientiously say that nothing of the kind was intended by the Firman. There is no settled or preconceived plan or basis of this or any other kind. It is simply an expedient by which it is attempted to remedy the evils growing not to Turkey alone, but to the islanders themselves, from sporadic disturbances.

It is quite an error, I believe, to assume that the Christian element has not occupied a very privileged position in the island up till now.

Athenian politicians, as well as some of those in Crete, may have thought that the present agitation would lead without fail to a settlement under the auspices of the

Great Powers, and one notices certain efforts made in that direction; but your Lordship is best able to judge whether such a solution would be desirable, or, in the present condition of Europe, is even feasible.

With reference to the present condition of the island, I find, in Mr. Biliotti's above-quoted despatch the following passage, which deserves special notice:—"The important feature in the present situation lies in the fact that there is a preconceived scheme, which is carried out with energy, to create complications in this island."

As to this preconceived scheme, it appears to consist in a plan of rendering the government of the island under the Firman perfectly impracticable by the resignation of Christian Judges, the refusal to hold elective offices, and similar proceedings, ending with resistance to pay taxes, and thus creating confusion and incentive to insurrection throughout the island—a system of obstruction which appears to have already commenced according to Mr. Biliotti's latest Report.

I have not omitted any opportunity of speaking to the Turkish Ministers in the sense of urging them to consult Shakir Pasha in time, and do everything in their power to prevent such a deplorable state of things being brought about.

On hearing that the situation was greatly complicated by the insufficiency of the late amnesty, I telegraphed to Mr. Biliotti to ascertain correctly what was the number of persons who are absent from the island, and are excluded from the benefits of the amnesty.

Mr. Biliotti's reply* must have reached your Lordship, and shows that a large number of the refugees remain in Greece of their own free will, possibly with a view to taking an active part in the contemplated invasion of the island.

The situation is certainly a serious one, and I can quite well understand that it is a very difficult one for the Hellenic Government; but as that Government appears very desirous of a pacific solution, I still hope some means can be found of inducing these troublesome refugees to return to their native island.

No. 166.

Admiralty to Foreign Office.—(Received February 3.)

Sir,

Admiralty, January 30, 1890.

I AM commanded by the Lords Commissioners of the Admiralty to transmit, for the perusal of the Secretary of State for Foreign Affairs, extract from a letter from the Commanding Officer of Her Majesty's ship "Fearless," dated the 13th instant, reporting his proceedings in Crete, and bearing testimony to the ability and tact of Mr. Biliotti, Her Majesty's Consul.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure in No. 166.

Commander Brenton to Admiralty.

(Extract.)

"Fearless," January 13, 1890.

ON the "Fearless" leaving her station of Crete, I trust I may be permitted to bear testimony to the very high opinion I have formed of the ability and tact Mr. Biliotti, Her Britannic Majesty's Consul, whilst working in conjunction with him.

His influence is not confined to the Mahommedan officials and inhabitants, but extends to Cretans of both religions and every form of political opinion.

No. 167.

Rustem Pasha to the Marquis of Salisbury.—(Received February 4.)

RUSTEM PACHA présente ses compliments au Marquis de Salisbury et a l'honneur de lui communiquer ci-inclus la traduction d'un télégramme envoyé par son Excellence Chakir Pacha à la Sublime Porte, et ayant trait au meurtre d'un agent de

* See No. 168.

police et de quatre gendarmes perpétré dernièrement par des individus qui se tenaient en embuscade sur le territoire du district de Sphakia, dans l'île de Crète.

Londres, le 3 Février, 1890.

(Translation.)

RUSTEM PASHA presents his compliments to the Marquis of Salisbury, and has the honour to communicate to him the accompanying translation of a telegram sent by his Excellency Shakir Pasha to the Sublime Porte relative to the murder of a policeman and four gendarmes which was lately perpetrated by individuals in ambush on the territory of the district of Sphakia, in the Island of Crete.

London, February 3, 1890.

Inclosure in No. 167.

Chakir Pasha to the Sublime Porte.

(Traduction.)

(Télégraphique.)

(Reçu le 2 Février, 1890).

UN agent de police à cheval et quatre gendarmes, qui se rendaient de la localité nommée Nousf-Sphakia au chef-lieu de l'arrondissement, ont été atteints par des coups de feu venant de brigands qui se tenaient en embuscade près du village de Dibroustis. Trois gendarmes ainsi que le cavalier ont été tués, et le quatrième gendarme a été blessé. Le Commandant de Sphakia s'est mis avec deux compagnies d'infanterie à la poursuite des brigands mais ceux-ci n'ont pas été découverts.

(Translation.)

(Telegraphic.)

A MOUNTED policeman and four gendarmes who were going from a place called Nousf-Sphakia to the chief town of the district were shot by some brigands in ambush near the village of Dibroustis. Three gendarmes and the mounted man were killed, and the fourth gendarme was wounded. The Commandant of Sphakia started with two companies of infantry in search of the brigands, but they have not been discovered.

No. 168.

Consul Biliotti to the Marquis of Salisbury.—(Received February 6.)

My Lord,

Canea, Crete, January 28, 1890.

A FEW incidents which have taken place within the last three weeks require special mention.

On Christmas-Day (old style), by order of the Government Councillor who was acting in the district of Mylopotamo, in the absence of the Christian Governor, the flag-staffs on the churches in the villages of Roumeli and Castelli were lowered, as the flags which were flying on them were supposed, by him, to represent the Hellenic colours in addition to the pictures of the patron Saints.

It was reported at first that these flags, as well as the crosses on the flag-staffs, had been trampled under foot by the soldiers and the gendarmes carrying out the order. But this fact is not mentioned in Petitions addressed on the subject by the inhabitants of these two villages, to the Vice-Consul at Rethymo.

The Vali ordered that the flag-staffs should be set up at once, and that some satisfaction should be given to the priests of the two villages.

But with all this, the first impression was not effaced.

The inhabitants of Roumeli addressed at the same time a Petition embodying the usual complaints about houses, fire-wood, &c., against soldiers, and also an attempt at rape, which is included in the cases investigated by me during my last trip, but which is given under another name, and represented as having taken place lately, although it dates three months back. They further speak of an attempt against a boy 12 years old, but a native of Roumeli, who departed from his village after the incident of the flag-staffs, knew nothing about this alleged outrage on the part of soldiers.

Two or three days after, Christian outlaws lying in ambush in the district of Amari,

wounded one, and killed two Mussulmans on the high road. Contrary to the rumour spread, these murders had nothing to do with the incident concerning the church flag-staffs.

Last week another Mussulman was killed without provocation by Christians in the village of Aumato, district of Rethymo proper.

These murders having frightened Mussulmans in the Province of Rethymo to the extent of their having begun to emigrate into the town, the Vali ordered to reinforce the troops in the districts of Mylopotamo, Amari, and Aghios Vassilius, a measure also recommended by Mr. Vice-Consul Trifilli.

Twenty-two Christians were conveyed to Rethymo under suspicion of the last murder, but fourteen of them were released shortly after.

A shepherd who was suspected for the two first murders, having taken to flight, his father and his flock of 300 sheep and goats were conveyed to Rethymo, the lambs and kid suffering from the absence of their mothers.

The inhabitants of the village of Rustica, also in Rethymo, having complained of soldiers and gendarmes, the Vali sent the Inspector of Gendarmerie, who removed two men who had given slight cause of complaint to Christians.

Last week Christians, waylaying between Askypchos and Sphakia the native Captain of Gendarmerie, Mollah Ibrahim, who is generally detested, wounded one and murdered four gendarmes who happened to pass that spot. They despoiled them of their arms, ammunition, money, and clothes.

In the village of Lakkos, the services of the public force having been required in a contestation between two Christians, the gendarmerie were fired upon by, and returned the fire of, the outlaws who happened to be in the village, but there were no casualties on either side. After the conflict one of the Christians, a venerable old man, who had the contestation about the window, was found strangulated in the street. He is supposed to have been put to death by his opponents in the contest concerning the window, who have taken to flight.

I have just received the following telegram from Mr. Vice-Consul Calocherino:—
 “Two soldiers were murdered at Pyriotissa, near Glegoria. Troops accompanied by Cretan-Turks surrounded villages, thrashed some Christians, and sacked some houses. Some Christians fled to mountains. Abdul Kerim Pasha promised to send orders to Pyriotissa to stop such proceedings.

I have, &c.
 (Signed) ALFRED BILIOTTI.

Nó. 169.

Consul Biliotti to the Marquis of Salisbury.—(Received February 6.)

My Lord,

Canea, Crete, January 29, 1890.

WITH reference to my despatch of the 19th instant, I have the honour to inform your Lordship that only two of the five Christian Councillors resigned. But the Government Council can legally sit even without any Christian members.

In spite of any pressure that may be put upon them, Government employés are not likely to resign in a body. At most, a fraction of those belonging to one of the political factions may do so.

The question of Courts of Justice being more complicated was again referred to the Administrative Council.

They reappointed to the Court of Appeal Liberal Judges, who declining to serve, the post was offered to, and accepted by, Conservatives.

But the choice made by the Administrative Council, after a few other Conservatives had refused the post, was such as not to completely satisfy the public, especially the Liberals.

Two of the elected Judges are not lawyers, and one of these is considered to be a philo-Turk, and quite unfit, as he has not even had practice in Courts of Justice.

Yesterday, a Liberal lawyer, in his pleading before the Court of Appeal, took exception at this Judge in a way which Shakir Pasha did not consider convenient to allow to pass unnoticed.

He caused to be arrested the lawyer in question, who, however, was soon released under the following circumstances:—

He being an Hellenic subject, M. Gryparis explained to the Vali that the objection raised by the lawyer was not an affront, as it had been represented to him, but an exception based on legal ground.

His Excellency Shakir Pasha stated to my Greek colleague that for some time past a few of his subjects, of whom the one arrested was one, were openly intriguing and endangering the public peace, and that he had quite enough of these dealings, which he could no longer stand. This statement of the Vali is quite true.

However, at the request of M. Gryparis, Shakir Pasha consented to release the Hellenic lawyer on the condition that he would be handed back next morning for being tried by court-martial. At last his Excellency consented, as a personal favour to M. Gryparis, who on his side promised that no further motive of complaint would be given by Hellenic subjects, to consider the incident quite closed.

This incident has had for result to induce the Greek Consul-General to call this morning the town politicians, Hellenic and Ottoman subjects as well, who together do not number ten, and are not ripe men, and warn them that he expected them to alter their line of conduct.

My Greek colleague assured me that he is convinced that they will no longer give any motive of complaint.

I hope that this admonition, tardy as it is, may have most beneficial results for the tranquillity of this island.

I have, &c.
(Signed) ALFRED BILIOTTI.

No. 170.

Consul Biliotti to the Marquis of Salisbury.—(Received February 6.)

(Extract.)

Canea, Crete, January 29, 1890.

WITHIN the last two months thirteen soldiers and seven foreign gendarmes were murdered, and eight soldiers and two gendarmes wounded by Christians lying in ambuscade, and not fighting, as it is mentioned in Greek newspapers.

The casualties among Christians during the same lapse of time amount to three killed and one wounded.

The gendarmes who, in the discharge of their duties, had fired at and killed these Christians, all of whom were armed, were apprehended, tried, and acquitted.

Several Christians were likewise imprisoned under suspicion of the murders against the public force, but hitherto no one was condemned, there being no proofs against them.

Murders against the public force gradually becoming of more frequent occurrence, and their perpetrators not being discovered, a strong feeling of discontent prevails among the troops.

I understand that Turkish officers apprehend that if this state of things should continue for some time the soldiers may become uncontrollable, and commit most regrettable retaliations on a large scale against Christians.

Djevad Pasha, the Chief of the Staff, is proceeding to-morrow on a tour of inspection all over the island.

It was stated to me by Christians, and confirmed by the Colonel of Gendarmerie, that the murderers of the four Albanians on the road to Sphakia are parading in the village of Alicampo, district of Apokorona, in the gear of their victims.

The Turkish Generals state that the Government are bound to discover the Christian murderers of soldiers and gendarmes, by any means. One of these would be to hold responsible, as the French did in Algiers, the villages near which the murder is perpetrated, until the real culprits are given up by their inhabitants.

The military authorities consider that, without some measure in this sense being adopted, fatal consequences will be the inevitable result.

The incident in the Province of Candia reported at the end of my despatch of yesterday should be taken as a warning.

It should not be forgotten that the animosity of native Mussulmans against Christians, if not superior, is what it was as described in my despatches of the 23rd January* and 5th February, 1888,† and that the troops, on their side, having private wrongs to avenge, their joint fanaticism may lead to wholesale massacres of Christians in the villages, which it would be impossible to prevent while being committed.

The lives of Christians in this island are thus put in jeopardy by the intrigues

* See "Turkey No. 2 (1889)," p. 2.

† Ibid., p. 3.

carried on by the refugees in Greece, as well as by those of the town politicians in Crete, and of their supporters in this island.

They are exciting the population, and these murders, which are perpetrated by outlaws, have for object to induce the public, out of Crete, to believe that they are the consequence of the exasperation of the Christian inhabitants, while they are, for the most part, the result of the criminal dealings of a few unconscientious individuals.

Four native Mussulmans have also been murdered in the Province of Rethymo within the last four weeks, but no Christians have as yet been murdered by them.

Any one holding a responsible position encouraging, but, even not using all his influence to discourage this gang of politicians from their schemes, is certainly answerable for the innocent blood that may be spilled.

The remedy to avoid unheard-of horrors, even in this island, appears to lie in the measures that may be taken at Athens by the Greek Government, and in Crete by the Sublime Porte, for putting an end to the underhand dealings of a gang of young politicians, and in the measures which the Imperial Government may be induced to adopt out of those indicated in my despatch of the 19th instant.

No. 171.

Admiralty to Foreign Office.—(Received February 6.)

Sir,

Admiralty, February 5, 1890.

I AM commanded by the Lords Commissioners of the Admiralty to transmit, for the perusal of the Secretary of State for Foreign Affairs, the Report received from Commander Carey Brenton, of Her Majesty's ship "Fearless," dated the 4th January, of the investigations carried on in the interior of Crete, in company with Her Majesty's Consul, and I am to request that these inclosures may be returned to the Admiralty.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 171.

Commander Brenton to Vice-Admiral Sir A. Hoskins.

(Extract.)

"Fearless," at Suda Bay, January 4, 1890.

THE Foreign Office having desired Mr. Biliotti, the British Consul in Crete, to make inquiries concerning certain atrocities which some Cretan refugees in Greece had reported to Sir Edmund J. Monson, K.C.M.G., Her Majesty's Minister at the Court of Athens, as having been committed by the Turkish troops whilst employed in quieting the recent disturbances in this island, the Consul, in compliance with instructions received from our Ambassador at Constantinople, requested me to accompany him in the investigation he proposed, in consequence, to make in the interior of Crete.

2. I left Canea with Mr. Biliotti on the 3rd December.

3. The basis of the proposed investigation may be most fitly expressed by the following paragraph translated from the Memorandum of the Cretan refugees to Sir E. Monson:—

"The Turkish troops having occupied, without meeting with any resistance on the part of the Cretans, the strategic points of the island, they hastened to send off our representatives with whom they had engaged to deliberate upon our formulated demands.

"Since then they have given themselves up to all sorts of atrocities, which take at one time the outward form of administrative measures, whilst at another they are committed by the Imperial troops after the fashion of brigands.

"Never has our country been the theatre of a more odious vandalism, or of more criminal acts on the part of Asiatic hordes, not even before the arrival of the so-called 'regular army,' when the Mussulman population were burning our fine villages.

"The interruption of communication between the towns and country, and the state of anarchy which reigns in the interior, will not permit the preparation of a detailed statement of the atrocities we have alluded to. Nevertheless, we propose

relating those which have come to our knowledge, in order to give some idea of the character of the pacificators of Crete.

"Dated Athens, 20th October, 1889."

4. At the end of the Memorandum a number of cases of murder, torture, rape, and other kinds of ill-treatment are cited, giving the names and addresses of the sufferers.

5. There is also a general complaint of the desecration of churches, tombs, and sacred pictures.

6. Although the verifying of these distinct cases of ill-treatment formed the primary object of our journey, yet it was found impossible, when examining the numerous eager witnesses that crowded around our party wherever we went, to confine the inquiry to any exact limits, so that whilst endeavouring to estimate the correctness of the actual cases complained of by the Cretan refugees in Greece, we could not fail to hear every grievance of any description that existed in the minds of the villagers with whom we were brought in contact.

7. The method employed by Mr. Biliotti was to take down the statement of each witness in his own words, and, whenever possible, he requested to see the visible proofs of an outrage having been committed.

As I did not consider it was advisable to encumber this Report by attaching the large mass of evidence which was in this manner collected, I have considered it sufficient to summarize the conclusions at which I arrived from the evidence of the Cretan peasants, and the facts that came directly under my own observation.

8. The notes taken down on the spot by Mr. Cassimati, the Clerk of the British Consulate, have been transmitted to the Foreign Office. A copy of these details, which are only useful in pointing out the correctness of the conclusions which were arrived at, remain in the British Consulate at Canea for reference, if necessary.

9. The large number of villages which we stopped at enabled us to observe for ourselves the manner in which the soldiers are at present behaving and the treatment which the peasantry receive from the Turkish Government, as well as to form some idea as to the prospects of quietness being maintained in the island in the immediate future.

10. The districts which we visited were those of Sphakia, Lampe, or Agios Nasileios, Amarion, Mylopotamo, Rhithymno, and Apokorona (*vide* attached Chart).

11. Crossing the mountains by the pass near Proserno we entered the Plain of Askyfo; from thence we struck the south coast between Sphakia and Franko Castelli. Here, skirting the shore as far east as the Monastery of Agios Joannis, or Preveli, we passed in a northerly direction up a deep ravine to Lambini, and from thence to the south-eastward as far as Speli. From Speli we crossed the mountains into the Plain of Amari. Passing Amari and the Monastery of Asomatos we came northward to the Monastery of Arkadi. From Arkadi the party took in the villages to the eastward as far as Garazo. From thence, passing through Melidoni, we struck the northern coast of the island, between the points Khondro Kavo and Liano Kavo, at a place called Castelli, where the seat of Government of the district of Mylopotamo has been settled since the burning of the Government House at Perama.

From Castelli the party proceeded directly to Rhithymno.

12. The heavy rains and floods now prevented the western portion of Apokorona being reached by land, so that after the villages in the eastern part of the district had been visited, the party embarked on board Her Majesty's ship "Fearless" at Rhithymno, and landed near Kalives, in order to finish the inspection of the remainder of the district of Apokorona.

13. The investigations were concluded on the 25th of December.

The general state of the districts visited was quite quiet. A stranger would have been unaware that anything of an unusual nature had been going on.

The flocks were feeding in peace on the mountain sides, the peasants were engaged in ploughing their corn-fields or cultivating their olive groves; women and children were to be met with in the country unattended, and, apparently, everybody was carrying out their ordinary avocations without interruption or interference.

14. The testimony that I am able to bear, from my own observations, and from having witnessed the patient inquiries which Mr. Biliotti carried out with almost monotonous precision in every village through which we passed, is that not one single case of what is usually understood as an atrocity has been established; and not merely was there no case of atrocity proved, but, taking the peasants' statements from their own lips, there was absolutely no atrocity even complained of.

15. There was no complaint of barbarous torture having been inflicted. No complaints of bodily harm having been done to women. No mention of any children having been ill-treated.

There has not been in the villages through which we passed any serious destruction of property by the Turkish troops.

The complaints against the soldiers were principally that they had stolen fruit and honey and omitted to pay their bills at the cafés, and even these complaints were not very frequent.

16. In one village only (Armenas) in the district of Rhithymno was there mention made of trees having been injured by the soldiers, and here six young valonaire trees had been cut down by the troops for firewood in a neighbouring camp.

17. The soldiers do not appear to have damaged any churches or chapels, but are stated to have entered certain caves in the mountains where shrines are established, and to have desecrated the pictures they found there.

18. It is here necessary to emphasize the fact, that the complaints of the Cretan refugees at Athens are against the Turkish officials and the troops.

19. But it appears that whatever serious damage was found to have been done in Christian villages to Church or house property—and only those villages in the neighbourhood of the towns have suffered to any great extent—was stated to have been effected by the native Mussulmans before the arrival of the troops.

20. The Christians, however, appear to have retaliated upon the mosques and houses of native Mussulmans in the country, so that the Mussulmans are by far the greater losers as regards the destruction of property.

21. The native Mussulmans are also responsible for the opening and desecration of Christian graves, which is pretty general in the churchyards in the neighbourhood of the towns.

22. The villages through which we passed, besides being known as Christian, Mussulman, or mixed villages, are also very clearly distinguishable as Conservative and Liberal villages.

23. The insurgents in the late disturbance have invariably belonged to the Conservative party.

24. The inhabitants of the Liberal villages had very few grievances to exhibit, and those they had were expressed in very moderate terms. They were not much troubled by the soldiers, and seemed satisfied with the gendarmes; they, however, made, occasionally, serious complaints against the Christians of the opposite party.

25. In the Conservative villages we were always surrounded by persons eager to make statements of the ill-usages which they or their friends had been subjected to.

26. No case of actual murder was reported. The violent deaths that have occurred during the outbreak have been cases of men shot during a skirmish, or whilst endeavouring to escape from the police.

27. The most general complaints were—

- (1.) Of men being taken to prison.
- (2.) Of men being tied and beaten on the road to prison.
- (3.) Of soldiers entering houses to search for arms.

28. A large number of arrests appear to have been made in September and October last, at the time when the troops were being pushed out into the disturbed districts. The charge against the men arrested was generally either complicity with the insurgents, that stolen Turkish property was found on their premises, or that they refused to pay for or restore Mahomedan property found in their possession.

29. Many stated that they were only had up for examination, and subsequently released.

30. The complaints of being beaten on the way to prison were pretty general, and took the form of statements that prisoners were driven along the road to prison by sticks or the butt-ends of the rifles.

31. The domiciliary visits made in searching for arms gave, no doubt, as such visits in our own country would undoubtedly do, many causes of complaint, but these inspections of private dwellings do not seem to have been attended with anything like barbarous treatment of the occupants; scuffles, bad language, and occasional blows might be expected, and nothing of a more serious nature was charged against the soldiers.

32. Only in one instance was a charge of stealing money preferred, and that in a very doubtful case.

33. In no single instance could a charge of barbarous treatment mentioned in the Athens Memorandum be traced to the person whose name had been given.

34. The statements of the Cretan refugees, both as to act, person, and place, met with ready acceptance at Canea, but faded more and more in substance as the supposed locality of the occurrence was neared, and generally, on reaching the exact spot, the circumstances were unheard of, and we were referred to some other village where it was believed that some act of the kind mentioned had taken place.

35. Notably, in the cases of violation of women, no single case could be authenticated, or was even mentioned by the villagers as having taken place.

36. It was stated by the Cretan refugees that at Melidoni, in the district of Apokorona, "the Turks had violently dishonoured a woman, upon whom several of them had assuaged their brutal passions, and had attempted to dishonour others."

At Canea this outrage was stated to have occurred at the village of Ramni, but on reaching that place nothing of the sort had been heard of, though we were again referred to Melidoni.

37. On reaching Melidoni, it appeared that an officer of gendarmerie had, through his servant, made some improper proposals to a certain woman, but it did not appear that he himself had ever had even a conversation with her, and it was not pretended that any violence had ever been suggested.

38. The only case of attempted rape, one not mentioned by the Cretan refugees, was declared at Romiley, in the district of Mylopatamo, where the soldiers are said to have run off on the woman crying out.

39. The women complained principally that the soldiers used the village fountains for washing purposes, and that they were afraid to go there for water. It was, however, pointed out to them that if the Commanding Officer of the troops were applied to he would probably be able to arrange certain times for using the water-courses, so that there should be no chance of the soldiers clashing with the women.

40. Though many villagers complained of having been ill-treated and insulted during the domiciliary visits of the troops whilst searching for arms, in only one instance was there any complaint of their stealing money or other articles out of the houses.

41. This was the case of a woman at the village of Kalamitsi, in the district of Apokorona, who stated that several articles, including a watch and 60*l.* in money, had been stolen. She enumerated the different coins that had been taken in the most circumstantial manner, stating that she had applied to the Vali, and that the watch and other articles had been returned, but the money had not been.

42. Upon Mr. Biliotti representing this case to Shakir Pasha, he explained that the gendarme who had stolen the watch had been punished and the watch restored, but that the woman had subsequently confessed that her statement that money had been taken was false.

43. With this exception, there appears to have been no robbery to speak of by the Turkish troops. Thefts of fruit, vegetables, and honey there were no doubt, and such petty larcenies will always be more or less associated with the movements of troops in disturbed districts.

44. On the whole, none of the complaints made were of a very serious nature, and all were of a character to be apprehended whenever an army of occupation enters a disturbed country.

45. That the prisoners were handled roughly on being arrested and taken to prison seems certain, and, as very bad feeling exists between the Cretans and the Turks, it is probable that the soldiers did not spare any opportunity of making their presence disagreeable, especially when passing through the Conservative villages, whose inhabitants were regarded as having been the chief instruments in the destruction of Turkish property.

46. But it is certainly not the case that anything like free licence or barbarous treatment was permitted by the Turkish officers, who appear to have had special orders to restrain their troops, who were to be under the eyes of Europe, and consequently upon their good behaviour.

47. It appears then that it may be stated that the Turkish troops, in occupying the disturbed districts of Crete, behaved generally as well as, if not better than, an European army under similar circumstances, and that no atrocities were committed by them.

48. The native Mussulmans are responsible for the chief damage done to Christian property and churches. They seem to have looted certain houses whilst their occupants were taking refuge on the mountains. If the householders had not run away, it is probable that their property would have been respected. Taking

to the mountains in Crete is considered tantamount to defying the Turkish authorities.

49. The damage sustained by the houses was, however, not great in the villages we visited; the principal cause of complaint was the removal of the shutters and woodwork of doors and windows.

There had been no such wholesale burning or destruction as can be seen in the villages in the neighbourhood of Canea.

50. At Atzipopulos several houses had been burnt by Mussulmans, the largest of which belonged to one of their own co-religionists. Two of these houses were also said to have been burnt by Christians of the opposite political party.

Atzipopulos is a Conservative village.

51. The desecration of churches has been very frequent, but, again, the actual destruction is much less than in the churches around Canea; and the work of the marauders appears to have been undertaken less with a view to the infliction of substantial damage to the buildings than for the purpose of defacing and insulting the pictures and other objects considered of a sacred nature in the worship of the Greek Church.

52. The inhabitants of a village called Phrate, in Apokorona, made a special Report to the Russian Consul of the desecration of a picture in one of their chapels. When we came to investigate this case the chapel proved to be a cave in a mountain ravine, about 4 or 5 feet square, and the picture, a very ordinary production on zinc, which was usually kept hanging there. It had received a bayonet thrust, and was blackened by smoke.

53. It seems necessary to take into consideration this respect for inanimate objects whilst weighing complaints arising out of the Cretans' extreme reverence for pictures, and the Turks' intense hatred of idolatry. If this were not done, the bitterness arising out of trifling acts, which are here considered as serious insults to religion, would not be easily appreciated.

54. Another of the chief complaints in connection with the churches was that the stone altars had been thrown down, and the relics, which are stored in a small recess of the pillar which supports the slab, taken away.

These relics consist of portions of the bones of Saints set in the wax which remained from the tapers used at the consecration of the church.

55. In one case the gravity of this insult was said to be intensified by the fact, that after this desecration at the hands of Mahomedans it would be necessary for the sacred objects to undergo reconsecration by a Bishop, for which a large fee would be charged.

56. The desecration of the graves was a most distressing sight, and showed a most brutal spirit to exist amongst the lower classes of native Mussulmans, but it struck us that it was strange that no attempt should have been made by the Christians to cover up their dead again, as several of the immediate ancestors of the village, who must have been personally known to the villagers, were to be seen lying exposed to public view in their grave-clothes, amidst rubbish and skulls taken out of other tombs.

57. It was noticed, however, that tombs which had been opened and desecrated during the last revolution in 1878 were still allowed to remain open and in the same condition in which the marauders had left them.

If the motive for leaving the bones of their fathers uncovered arises from a desire to appeal to public sympathy, the good taste of such a proceeding seems very questionable.

58. All the complaints, with very few exceptions, refer to actions committed at least two or three months ago.

Neither the Liberal nor Conservative Christians had any complaints to make of the present action of the Turkish authorities, nor of the conduct of the troops, with the exception of the matter of the use of the water-courses.

59. But whenever it became necessary to billet passing troops upon private houses, such a proceeding was found to provoke remonstrances on the part of the Christians.

60. Only one case, however, was brought to our notice during the journey, and that occurred at Vamos, where, simultaneously with our arrival, 800 troops marched in from Rhithymno. The barracks at Vamos had, on a previous occasion, been burnt by the Christians, so that there appeared little option on the part of the Governor in ordering, during this period of heavy rains, the soldiers to be billeted upon private houses.

61. Each householder, we were informed, had been furnished with the list of men to be accommodated prior to the arrival of the troops, so that the arrangements appear to have been carried out in an orderly manner.

62. To sum up. I consider that the charges brought by the Cretan refugees at Athens are either not proved or grossly exaggerated.

63. The Turkish soldiers, on the whole, have not behaved badly.

64. The peasantry are not at present suffering from any barbarous treatment on the part of the Turkish officers.

65. The lower class of Mahommedan natives appear to have behaved as badly as they dared in the destruction of property and desecration of sacred objects. That they were restrained from more wholesale destruction of property, and from committing actual atrocities, and that so few murders have been reported, must be set to the credit of the Government of the Porte in the island.

66. The Christians retaliated on the Turks in burning houses and mosques, and shooting isolated soldiers from behind rocks in such a cruel, revengeful spirit, as to forfeit much of the sympathy which would otherwise have been accorded to them.

67. That since Shakir Pasha has had time to carry out his arrangements as Military Commander-in-chief, say, since the end of October, all burning and desecrating has ceased, the Mahommedans have been restrained, and no serious complaints have been made by Christians.

68. As regards the future prospects of the island, and whether there is a likelihood of a rising in the spring, I would point out that, notwithstanding the ill-feeling that exists between the Cretans and the Turks, the peasantry do not at present appear to be exasperated by acts of petty tyranny which might be calculated to drive them into open revolt against the authorities.

69. The danger of disturbance would probably come when new taxes have to be levied under the late Firman. The provisions of the Firman were received, I think it may be said without exaggeration, everywhere and by everybody with marked disapproval.

70. Several very intelligent Cretans said, that however disgusted they might be with the Firman and things in general, there would be no revolution or manifestation upon the mountains until the *mot d'ordre* came from Greece.

71. And this leaning upon Greece they appeared to carry into every calculation, considering it useless to attempt any regular insurrectionary movement unless they were supported by Greek arms and money, as well as by Greek strategy in conducting the rising.

72. It is the hopeless character of the present system of government as regards any advance the island might make toward material prosperity, that is felt by the thinking Cretans more than any acute pain caused by unjust or overbearing treatment, and certainly the whole aspect of the country bears out this feeling of hopelessness. There was hardly a village we passed through which did not bear upon it the impress of one or other of the insurrections that appear to mark every decade of the nineteenth century in Crete by blackened walls, ruined houses, and desecrated tombs or churches.

73. And if a comparison is instituted between Crete, which is, on the whole, a fertile island, and one of the neighbouring Greek islands, which are to a great extent rocky and barren, say, for instance, Syra, one cannot help being struck with the contrast that is presented between the well-to-do, cleanly, and prosperous villages of the Greek island and the dirty, poverty-stricken, tumble-down appearance of the Cretan villages.

74. It must be acknowledged that the Turkish Government is to a certain extent responsible for this condition of Crete.

There are no public works carried on; the paths in the interior are so bad as nearly to forbid transit. There are very few bridges, so that the rivers in the interior are frequently impassable. There are no good roads leading from the fertile valleys to the ports. Suda Bay is nearly unused as a commercial port, though a good road 30 miles in length would connect it to the district of Rhithymno, which is occasionally cut off for a fortnight from the sea by the breakers, and from the interior by the bridgeless torrents.

Inclosure 2 in No. 171.

Plan of portion of the Island of Crete.

PLAN OF PORTION
OF
ISLAND OF CRETE.

FROM ADMIRALTY CHART No. 2536A.

SHOWING TRACK TAKEN BY CONSUL A. BILLIOTTI, C.M.G., AND COMM^R
CAREY BRENTON, R.N., H.M.S. "FEARLESS," WHILST INSPECTING CASES OF
OUTRAGE REPORTED TO HAVE BEEN COMMITTED IN CRETE, DECEMBER, 1889.



E.S. Alexander
Sub Lieutenant.

Carey Brenton

Sir W. White to the Marquis of Salisbury.—(Received February 7.)

My Lord,

Constantinople, February 1, 1890.

I HAVE the honour to transmit herewith an extract from the "Stamboul," giving the commentary or explanatory statement by Shakir Pasha on the recent Firman issued by His Imperial Majesty the Sultan with regard to Crete.

A similar publication has been made in the Turkish local press.

I have, &c.

(Signed) W. A. WHITE.

Inclosure in No. 172.

Extract from the "Stamboul" of January 24, 1890.

COMMENTAIRE DU FIRMAN IMPÉRIAL RELATIF À LA CRÈTE.—Un de nos correspondants de Crète nous adresse la traduction fidèle et *in extenso* du commentaire du Firman Impérial, rédigé par son Excellence Chakir Pacha sous forme de Circulaire aux autorités de l'île. Voici cet important document :—

"Le Gouvernement Général de l'Île de Crète apprend que parmi les dispositions du Firman Impérial lu à la Canée, le 24 Novembre écoulé, et relatif aux modifications nécessitées par la situation du pays, il s'en trouve quelques-unes qui ont été l'objet d'interprétations tout à fait malveillantes. Il est hautement reconnu que Sa Majesté Impériale le Sultan n'a jamais cessé de combler de bienfaits tous les sujets de son Empire et que la promulgation du dit Firman visait exclusivement le progrès, le bien-être, et la prospérité de tous ses sujets Crétois.

"Done, toute interprétation malveillante ne saurait être que l'œuvre de gens habitués à sacrifier à des vues personnelles les intérêts généraux et l'avenir de leur pays. Comme il est possible que la tranquillité de l'île se ressente d'interprétations aussi fausses et auxquelles cependant la plupart des personnes seraient plus ou moins portées à prêter foi, nous avons considéré de notre devoir de donner quelques éclaircissements sur ces dispositions.

"Article 1^{er}. Cet Article du Firman, qui détermine les fonctions du Conseiller-Général, est loin de signifier que le Gouvernement Général et son Conseiller auront la direction commune du Gouvernement Général. Le Gouverneur est indépendant, comme par le passé, dans l'administration du pays, avec la différence que le poste de Conseiller ne sera plus, comme autrefois, une charge créée sans raison : Il sera, comme le prescrit ce même Article, du devoir du Conseiller de prendre connaissance de tous les actes officiels, de soumettre au Gouverneur-Général ses vues suivant les besoins du pays et les lois établies et, enfin, d'aider le Gouverneur-Général dans tout ce qui se réfère au Gouvernement de l'Île. Les Conseillers des Gouverneurs ("Mutessarifs") et des Sous-Gouverneurs ("Caimakams"), revêtus des mêmes fonctions, devront à leur tour faire régulièrement partie des Conseils Administratifs qui sont de leur juridiction.

"Art. 2. Il est connu de tout le monde que, par suite des exigences de parti, les employés dans toutes les branches du service étaient nommés et souvent destitués sans raisons, que ces querelles de parti éveillaient des animosités toutes personnelles. Pour obvier à cet inconvénient, il est établi dans l'Article en question que les fonctionnaires ne devront plus être destitués tant qu'il ne sera pas prouvé qu'ils ont commis quelque tort grave ou qu'ils sont inaptes à remplir leurs devoirs. Quant à la phrase où il est dit que 'droit de préférence est accordé à celui qui possède la langue Turque,' on ne saurait y attacher un autre sens si ce n'est que toutes les fois qu'il se présente deux ou plusieurs candidats sollicitant le même poste, il faut naturellement opter pour celui d'entre eux qui connaîtrait la langue Turque.

"Comme conséquence naturelle des mesures préventives prises, et ci-dessus mentionnées, suit le paragraphe qui établit que comme les réductions opérées sur les appointements des employés de l'île pour des raisons économiques ont dépassé toute limite, il est nécessaire, ces appointements une fois augmentés dans une juste mesure, que l'on affecte ailleurs les économies faites par la suite, et dégager ainsi de toute réduction le traitement des fonctionnaires.

"Art. 3. Dans cet Article il est question du nombre des représentants à l'Assemblée Générale et du mode de leur élection. L'influence exercée sur les élections tantôt par ceux qui détenaient le pouvoir, tantôt par les fonctionnaires publics ; de plus le fait que ce système électoral n'a pas bien fonctionné, tout cela a été prouvé par les

élections précédentes. Comme la cause en est due aux élections faites par voie de suffrage universel, et qu'il est à espérer, si les élections se font comme il est dit dans cet Article, que ceux qui sont nommés électeurs seront en état de connaître les lois et d'apprécier les besoins du pays beaucoup mieux que les paysans, et que, par conséquent, l'influence exercée sur les électeurs sera infiniment moindre ; nous avons été amenés, vu ces raisons, à abolir le système électoral par voie de suffrage universel et à adopter celui mentionné dans cet Article.

“ Pour ce qui concerne la réduction du nombre des Députés à l'Assemblée Générale, cette mesure n'a d'autres buts que d'avoir des représentants capables et éclairés, car il est plus facile de trouver, parmi une population de 300,000 âmes, cinquante-sept personnes au lieu de quatre-vingts qui soient à même de remplir avec impartialité les devoirs qui leur incombent.

“ Arts. 4 et 5. Ces Articles n'ont pas besoin d'explication.

“ Art. 6. Cet Article établit que l'élection des Juges aura lieu comme par le passé. Cela ne veut pas dire qu'ils seront élus d'après le système électoral en vigueur, mais qu'ils seront nommés à nouveau par élection. Il a été prouvé que les Juges et les Présidents des Tribunaux prenaient part aux querelles de parti ; aussi s'en est-il suivi que les sentences prononcées par les Tribunaux n'étaient malheureusement pas exemptes de tout esprit de partialité : c'est là un fait qui a été observé et avoué par les deux partis. Les employés judiciaires, imbus d'une fausse idée qui les portait à croire que les postes occupés par eux leur étaient dus en retour des services rendus au parti auquel ils appartenaient, se faisaient un devoir de travailler dans les intérêts de celui-ci.

“ Or, comme la justice distribuée au nom de Sa Majesté Impériale le Sultan doit être dégagee de tout esprit de parti, il convient que ceux qui ont charge de juger soient toujours impartiaux et que leur nomination soit à vie. En examinant les choses à ce point de vue, le Firman ordonne que les postes de Procureur et de Présidents de Tribunaux seront confiés *ad vitam* à des hommes de mérite ; ils seront nommés par Décret Impérial et ne pourront être révoqués que s'il est prouvé, après jugement, qu'ils ont commis un acte contraire à la justice et à leurs devoirs, ou pris part aux querelles de parti.

“ De plus, comme les procédures abondent d'Articles et de formalités qui ne sauraient exister même dans les pays les plus civilisés d'Europe, et que le moindre procès entraîne à des dépenses dont l'avocat est seul à profiter, même en cas de gain de cause, comme la manière d'élire les Juges n'est pas en rapport avec les besoins locaux, il est ordonné par le dit Firman d'étudier dans le pays même la question relative aux moyens de simplifier toutes les procédures et de réformer le système électoral d'une manière juste et équitable.

“ Art. 7. Toute interprétation fautive de cet Article serait très déplacée car les grandes pertes causées jusqu'à aujourd'hui par la gendarmerie indigène ont démontré aux deux parties la nécessité de former ce corps d'hommes pris pour la plupart dans les autres provinces de l'Empire, et cela dans le but d'assurer l'ordre public de l'île.

“ Art. 8. Cet Article, qui a trait aux recettes et aux dépenses du Gouvernement Général, se divise en trois parties.

“ (a.) La moitié de l'excédent des revenus de l'île revenait à la Caisse Centrale. Cette moitié est abandonnée actuellement par le Gouvernement Impérial au Gouvernement de l'île ; par contre, le premier reprend dans l'intérêt de la Caisse Centrale et pour faire face en partie aux frais nécessaires à l'entretien des troupes, la moitié des recettes Douanières, laquelle, accordée au Trésor du Gouvernement Général de l'île, avait été assignée à l'emprunt. La moitié des revenus des Douanes avait été donnée et hypothéquée pour l'emprunt de C. T. 60,000 contracté par le pays même. Dans le Firman il n'est pas fait mention d'où ni comment on doit couvrir cet emprunt. Aussi le Gouvernement de l'île a-t-il demandé à la Sublime Porte tout dernièrement que la moitié des recettes dues de droit à la Caisse Centrale soit de nouveau affectée, à propos de l'emprunt, aux versements à faire à la Banque. Si le mode indiqué est adopté par la Sublime Porte, il est hors de doute que les revenus de l'île n'auront à essuyer aucune perte.

“ (b.) Il y a le système qui établit dans une juste proportion la répartition de l'impôt fixé d'avance et d'une manière définitive sur les biens-fonds pour qu'il n'y ait pas de différence dans les recettes de chaque année. D'ailleurs, grâce à ce même système d'impôt adopté et établi sur la dîme de l'huile, les revenus du pays seront stables et il n'y aura plus, dans la suite, soit pour raison de déficit ou pour n'importe quelle autre, ces cas fortuits qui rendent problématique le paiement des dépenses ; de cette manière le Trésor public de l'île y aura aussi beaucoup à gagner.

“(c.) D’après la réglementation de ces mêmes revenus, on établira le Budget de l’île où seront d’abord inscrits les appointements, les différentes dépenses, la somme de 150,000 piastres qui représente celle de la dîme des villages Vacoufs, enfin tous les frais de cette nature. Après la défalcation de ces sommes on comptera d’avance les crédits assignés à l’instruction et aux travaux publics en raison du restant des recettes.

“Si les fonds ne sont pas suffisants pour les œuvres de bienfaisance et d’utilité publique, l’Assemblée, après avoir trouvé des moyens pratiques (comme par exemple augmentation d’impôt sur le menu bétail), devra, pour l’exécution de ces travaux, en demander l’autorisation à la Sublime Porte.

“Art. 9. Cet Article se rapporte aux Mairies. En effet, les efforts de ces autorités sont loin de répondre à l’attente générale. Le motif en est évidemment au manque de ressources ; de plus, comme la vitalité et le commerce d’un pays se développent en raison de la propreté et de l’ordre qui règnent dans les communes et du bien-être dont jouissent les habitants, nous avons pensé à recommander par cet Article à l’Assemblée Générale de prendre une décision visant la recherche des moyens qui pourraient faciliter le développement des communes de Crète.

“Art. 10. Il est évident que l’amnistie mentionnée dans ce règlement s’étend sur tous ceux qui ont été accusés de délits politiques, à l’exception d’environ quarante personnes dont la liste, il y a quelques jours, a été publiée. Par contre, ne sauraient être compris dans l’amnistie ceux qui sont coupables de délits communs, le Gouvernement ne pouvant naturellement passer outre à ces délits.

“En outre, nous croyons devoir porter à la connaissance de tout le monde que l’amnistie mentionnée déjà dans le Firman et accordée par Sa Majesté Impériale ne concerne que les délits politiques commis jusqu’au jour où a eu lieu la Proclamation du dit Firman, c’est-à-dire le 24 Novembre (v. s.). Il s’ensuit nécessairement que l’amnistie n’aurait aucun effet pour ceux qui seraient accusés comme ayant commis le moindre délit politique après la lecture du susdit Firman.

“Vu la concision du Firman, nous n’avons voulu donner des éclaircissements que sur les points qui eussent pu donner lieu à quelque doute. Par conséquent, pour éclairer le public et l’empêcher de prêter l’oreille à des interprétations malveillantes, vous êtes priés de lui faire connaître la teneur de la présente Circulaire.

“L’Envoyé Extraordinaire et Gouverneur Provisoire du
Gouvernement de l’Île de Crète,

(Signé) “CHAKIR PACHA.

“*La Canée, Île de Crète, le 25 Décembre, 1889 (7 Janvier, 1890).*”

(Translation.)

EXPLANATION OF THE IMPERIAL FIRMAN RESPECTING CRETE.—One of our correspondents in Crete has sent us *in extenso* an exact translation of the explanation of the Imperial Firman drawn up by his Excellency Shakir Pasha in the form of a Circular to the authorities of the island. This important document runs thus :—

“The Government of the Island of Crete learn that among the provisions of the Imperial Firman, which was read at Canea on the 24th November last, relative to the modifications necessitated by the situation of the country, there are some which have formed the subject of the most malevolent interpretation. It is recognized on all sides that His Imperial Majesty the Sultan has never ceased to shower benefits on all the subjects of his Empire, and that the promulgation of the said Firman had exclusively in view the progress, well-being, and prosperity of all his Cretan subjects.

“Any malevolent interpretations can only, therefore, be the work of persons who are accustomed to sacrifice the general interests and the future of their country to their personal views. As it is possible that the tranquillity of the island may be affected by such false interpretations, which, however, the majority of persons would be more or less inclined to believe, we have considered it our duty to give some explanations of these provisions :—

“Article 1. This Article of the Firman, which determines the functions of the Councillor-General, is far from meaning that the Governor-General and his Councillor will share the direction of the General Government. The Governor is, as heretofore, independent in the administration of the country, with the difference that the post of Councillor will no longer, as formerly, be a burden needlessly imposed. It will be, as this Article prescribes, the duty of the Councillor to take note of all official acts, to submit his views to the Governor-General, in accordance with the wants of the country and the established laws, and, in short, to assist the Governor-General in all that appertains to the Government of the

island. The Councillors of the Governors ("Mutessarifs") and of the Deputy-Governors ("Caïmakams"), invested with the same functions, will, in their turn, have to take a regular part in those Administrative Councils which are under their jurisdiction.

"Art. 2. It is a well-known fact that, owing to party considerations, officials in all branches of the Service were appointed and dismissed without any reason, and that these party quarrels evoked personal animosities. To avoid this objection, the Article in question settles that officials cannot be dismissed unless it is proved that they have committed some grave fault, or that they are unfitted to fulfil their duties. As for the phrase which states that 'preference will be given to a man knowing the Turkish language,' the only meaning to be attached to it is that whenever two or several candidates for the same post present themselves, the one who knows Turkish must naturally be chosen.

"As a natural consequence of the preventive measures which were taken and mentioned above, comes the paragraph which settles that as the reductions in the salaries of officials in the island for economic reasons have exceeded all bounds, it is necessary, when these salaries are increased to a proper extent, that the economies should be made in some other quarter, and that the salaries of functionaries should be freed from all reductions.

"Art. 3. This Article deals with the number of representatives in the General Assembly, and with the way of electing them. The previous elections have proved the influence exercised on elections sometimes by those who had obtained power and sometimes by the Government functionaries; and have furthermore proved that this electoral system has not worked well. All this is proved by former elections. As this is due to the fact that the elections are held on the system of universal suffrage, and as it may be hoped that if the elections are held as it is stated in this Article, those who are named electors will be better able than the peasants to understand the laws and appreciate the wants of the country, and that consequently the influence exercised over the electors will be much smaller: we have been induced by these reasons to abolish the electoral system by universal suffrage, and to adopt the system mentioned in the Article.

"As for the reduction in the number of Deputies to the General Assembly, this measure has no other object than to obtain capable and enlightened representatives, for in a population of 300,000 souls it is easier to find 57 persons than 80 who are capable of fulfilling impartially the duties which fall to their lot.

"Arts. 4 and 5. These do not require explanation.

"Art. 6. This Article lays down that the election of Judges shall take place as before. This does not mean that they will be elected according to the present electoral system, but that they will be still appointed by election. It has been proved that the Judges and Presidents of the Tribunals took a share in the party quarrels; the result being that the sentences pronounced by the Courts were unfortunately not free from a spirit of partiality; this is a fact which has been observed and acknowledged on both sides. The judicial functionaries, being imbued with a false notion that the posts filled by them were a return for the services rendered to the party to which they belonged, thought it their duty to work for the interests of that party.

"As the justice which is dispensed in the name of His Imperial Majesty the Sultan should be free from all party spirit, it is necessary that those who become Judges should always be impartial, and that their appointment should be for life. Looking at the matter from this point of view, the Firman lays down the principle that the appointments of "Procureurs" and Presidents of Tribunals should be conferred for life on men of merit; they will be appointed by Imperial Decree, and they can only be dismissed if it should be proved, after an investigation, that they have committed some act contrary to justice and to their duties, or that they have taken a share in party quarrels.

"Further, as the rules of procedure abound with Articles and formalities which could not exist even in the most highly civilized countries in Europe, and as the smallest legal proceedings entail expenses, by which the lawyer is the only gainer, even when the suit is successful; as, also, the mode of electing Judges is not adapted to local requirements, it is ordered in the said Firman that the question of the means of simplifying all the rules of procedure should be investigated, and that the electoral system should be reformed in a just and equitable manner.

"Art. 7. Any misinterpretation of this Article would be very much out of place, for the great losses hitherto caused by the native gendarmerie have convinced both the political parties of the necessity that this corps should consist chiefly of men

taken from the other provinces of the Empire, and this with the object of insuring public order in the island.

"Art. 8. This Article, which relates to the receipts and expenses of the Government, is divided into three parts :—

"(a.) Half the surplus of the revenues of the island used to pass to the Central Treasury. This half is now given up to the Government of the island by the Imperial Government; on the other hand, the latter, in the interests of the Central Treasury and in order to meet the expenses required for the maintenance of the troops, takes back half the customs receipts, which, being granted to the Government of the island, had been pledged to the loan. Half the customs revenues had been given over and hypothecated for the loan of £ T. 60,000 contracted by the island itself. In the Firman, no mention is made of where or how the money is to be found to cover this loan. Moreover, the Government of the island has quite recently asked leave from the Sublime Porte to appropriate half the receipts rightly due to the Central Treasury to the payments which have to be made to the bank in consideration of the loan. If this plan is adopted by the Sublime Porte, there is no doubt that the revenues of the island will suffer no loss.

"(b.) There is the system which lays down in fair proportions the assessment of the tax on real property, which is fixed beforehand in a definitive manner, so that there may be no difference in the receipts of each year. Moreover, thanks to this same system of taxation which has been adopted and established in the case of the tithe on oil, there will be no fluctuation in the revenues of the country, and those cases will no longer occur when, owing either to a deficit or to any other cause, the payment of expenses is rendered problematical. In this manner the Public Treasury of the island will also derive much profit.

"(c.) The Budget of the island will be settled in accordance with the settlement of these same revenues, and it will include the salaries, the various expenses, the sum of 150,000 piastres, which represents the tithes of the Vacouf villages, and all outgoings of that nature. After deducting these items, estimates will be drawn up for education and public works in proportion to the remainder of the receipts.

"If there are not sufficient funds for works of charity and of general utility, the Assembly, after finding some practical means (as, for instance, the increase of the tax on the smaller kinds of live stock), shall ask for authority from the Sublime Porte to carry out these works.

"Art. 9. This Article refers to the Mayors. It is evident that the efforts of these authorities fail signally to satisfy public expectation. This is no doubt due to the want of funds; but as the vitality and the trade of a country develop in proportion to the cleanliness and order which are observed in the districts and to the welfare of the inhabitants, our idea was to suggest to the General Assembly, by means of this Article, that a decision should be taken with a view to finding some means of promoting the development of the country villages.

"Art. 10. It is evident that the amnesty mentioned in this order extends to all those who have been accused of political offences, excepting about forty persons, a list of whom was published a few days ago. On the other hand, those who are guilty of ordinary offences cannot be included in the amnesty, as the Government could not, naturally, pass over such offences.

"Further, we wish to make it generally known that the amnesty already mentioned in the Firman, and granted by His Imperial Majesty, only concerns the political offences committed up to the date of the proclamation of the said Firman, namely, the 24th November (o. s.). It follows, necessarily, that the amnesty would have no effect with regard to any one who was accused of committing the smallest political offence after the reading of the above-said Firman.

"In view of the conciseness of the Firman, we only wished to give explanations on the points which might have given rise to misconception. Consequently, to enlighten the public, and to prevent them from listening to malevolent interpretations, you are requested to make known to them the effect of the present Circular.

"The Envoy Extraordinary and Provisional Governor of
the Government of the Island of Crete,

(Signed)

"SHAKIR PASHA.

"Canea, Crete, December 26, 1889 (January 7, 1890)."

Sir E. Monson to the Marquis of Salisbury.—(Received February 10.)

(Extract.)

Athens, February 1, 1890.

AS regards the return of the refugees to their island, matters are at a deadlock ; and in the meantime a fresh batch has just arrived at the Piræus, consisting partly of the families of the Christian Judges who have recently resigned, and partly of those whom the rumours of an approaching insurrection have terrified into leaving their homes.

Consul Biliotti to the Marquis of Salisbury.—(Received February 14.)

(Extract.)

Canea, Crete, February 10, 1890.

I HAVE the honour to submit a telegram which I forwarded on the 7th instant to Her Majesty's Ambassador in reply to one which I received from his Excellency on the 5th instant:—

"No sentences have been pronounced since the 31st December last by the court-martial. On that date a list was published containing the names of eighteen individuals condemned by court-martial, they being present at the trial ; of sixteen leaders condemned in default ; and of four leaders whose cases were reserved for trial at a later period.

"These individuals excepted, no other Christian leader or private individual, whether he be in or out of Crete, will be tried for political offences committed in this island previous to the promulgation of the Firman, or in Greece after that date. The Vali has authorized the Ottoman Minister at Athens to give these assurances to the Hellenic Government. Two out of the eighteen prisoners were condemned after the promulgation of the Firman. Emmanuel Marcandonaki, one of them, protested against this illegality.

"His Excellency Shakir Pasha is giving all his attention to the permanent re-establishment of the local Tribunals, which is indispensable for inducing refugees to return peacefully from Greece, a necessity to which the Vali is quite alive. In fact, his Excellency will be able to transfer to the local Tribunals, when working regularly, all civil cases, leaving only those concerning murders to be dealt with by court-martial.

"As the penalty for arson and theft during the last disturbances is remitted, and only a pecuniary indemnity exacted, the Civil Tribunals will be enabled to release the individuals now in prison who are not liable to detention for debt.

"The Firman not having abolished the system of electing Judges, and their appointment by the Vali being considered as the only means for correcting the cause of all evil in this island, Shakir Pasha, in order to make up as far as possible for the deficiency, devised a plan for choosing the Judges out of a list drawn up by natives, containing twice the required number of fit persons that might be given the appointment. But the question arose as to who were to be the parties to make out these lists, so as to avoid the danger of a general election at this moment. I suggested as electors, or rather as the individuals to draw up these lists, the Primates, and an equal number of Elders, so as to balance the number of Liberals and Conservatives ; and that each party should indicate as candidates individuals belonging to the opposite party.

"The Moderates of both parties would be brought in by this arrangement. The Vali, the Liberal and Conservative leaders, as well as the Greek Consul-General, consider my suggestion as a convenient means for getting out of the present difficulty. The more or less difficulty to be experienced in carrying out this scheme will depend on the intrigues that personally interested parties may bring into play for keeping this island in a disturbed condition."

I beg leave to point out that since the date of my despatch of the 29th ultimo the Court of Appeal has appointed temporary Judges, but as only part of them have accepted to serve, not one of the five Courts of First Instance in the island is in a position to assume duties.

The incidents connected with Tribunals, whether they be the consequence of an illegal act on the part of the Porte, or of a determination on the part of a class to disorganize the Government machinery, are the condemnation of the system of electing

the Judges, as it is clearly proved that it depends on the population, or their representatives, to deprive this island of Courts of Justice at any moment it may be opportune for them to do so.

Under these difficult circumstances Shakir Pasha has devised a scheme which happens to be identic with one I spoke of in my despatch of the 28th May last, and of which his Excellency had not the slightest knowledge. I stated in the despatch in question "that the Judges being elected always belonged to the party obtaining the majority, and were mere tools for promoting the interests of their faction, especially in police and correctional cases, the remedy would be for the General Assembly to draw up a nominative list out of which the Vali would appoint Judges, dismiss them in case of need, and reappoint fresh Judges out of the same list, which should offer sufficient margin for the purpose." The General Assembly not having yet been elected in conformity with the Firman, and the Administrative Council not being in full number, I suggested in conversation with the Vali and Galib Bey that the Primates, being elected, and consequently representing the population at large, might be invited to draw out the lists in question. The restriction of indicating Judges belonging to the opposite faction may not be in strict conformity with the liberty of voting, but there seems to be, in the opinion of the Governor-General, of my Greek colleague, as well as of Liberal and Conservative leaders, no other way of bringing into office Moderates from both parties.

The Vali is preparing the details for this mode of electing the Judges, whom he proposes to appoint for five years, and in order to secure success his Excellency intends, before executing it, to make any changes that may be suggested to him by leaders in whom reliance can be placed. However, with all possible precautions, this scheme may also fail, and in that case there would appear to be no other option but for the Government to appoint Judges, contrary as this measure may be to the disposal of the Firman.

The principal, if not the only, impediment to the return of Cretan refugees from Greece is the dread of being tried by court-martial. The inveterate diffidence of Cretans towards the Government will not give way before assurances only, but facts will convince them, and to do this the regular working of the local Tribunals is required.

When they are established, with the exception of cases of murder, all other cases should be transferred from the court-martial to these Tribunals, and this the Vali is decided to do whatever opposition he may find.

Death is the penalty inflicted by Cretan law for arson, but as the court-martial itself has not applied this disposal of the law, local Tribunals should be restricted from applying any penalty as being remitted by the amnesty, and should limit their action to pecuniary compensation for damages. The Cretan laws not permitting detention for debt, the local Tribunals will be enabled to release all the prisoners now detained on that ground by the court-martial, and to adopt the other measures concerning debtors.

Whether Shakir Pasha's scheme succeeds, or whether the Judges be appointed by the Vali without the concurrence of natives, recriminations are to be expected: in the first instance for illegality in the election, in the second instance for abolition of a privilege.

Under these circumstances it would have been as well to get out of the present difficulty in resolving at the same time a question which, so long as it remains unsettled, will continue to be, as it has hitherto been, the cause of all the trouble in this island.

The only object of Shakir Pasha's scheme is to keep to the letter of the Firman, which, as I pointed out in my despatch of the 12th December last, has unfortunately overlooked this most important point.

But circumstances may leave no other option but to set aside the principle of electing Judges.

However, in either case, the advantages as above explained accruing out of the re-establishment of local Tribunals, coupled with the pardon of the eighteen political prisoners, is calculated to calm down all excitement arising out of the execution of any one of these two measures.

In all cases, if no outbreak is to take place, the abolition of the privilege of electing Judges will not provoke an insurrectionary movement.

The speedy appointment of Judges, whatever may be the course to be followed for attaining this end, is indispensable if all chance of pacifying the island is not to be entirely lost. Hesitation and postponement are the greatest danger at this moment.

His Excellency Shakir Pasha has authorized the Ottoman Minister at Athens to give assurances that, with the exception of the thirty-eight individuals mentioned in the list published on the 31st December last, no Christians, leaders or not, whether they be here or in Greece, will be prosecuted for political offences committed in this island previous to the publication of the Firman, or out of the Ottoman dominions after that date. But these assurances should be made known to the public in some formal manner, as an inducement for the peaceful return of the refugees in their country.

If, at the same time, the Cretan Chiefs now at Athens, who are in receipt of annual pensions from the Greek Government, were sent back to this island, their example would encourage others to follow them.

I have, &c.
(Signed) ALFRED BILIOTTI.

No. 175.

Consul Biliotti to the Marquis of Salisbury.—(Received February 16.)

(Telegraphic.)

Canea, Crète, February 16, 1890.

AN order was issued by Shakir Pasha on the 10th instant to the Governors, the Public Prosecutors, and the court-martial to the effect that in future the court-martial shall only take cognizance of the following offences: Assaults upon and murders of soldiers and gendarmes, and resistance to them in the discharge of their duties; similar acts of a political character committed against civilians; carrying arms contrary to the law; inciting others to insurrection. All other crimes or smaller offences which are not of a political character are to be dealt with by the ordinary Courts. Claims for damages for houses and property which have been burnt during the recent disturbances are to be referred to Special Commissions appointed for the purpose, and, in view of the large number of charges of this nature, the offenders are not to be sentenced to imprisonment.

The leniency of this order has already produced a very favourable impression, but its effect will be still greater when it becomes more generally known, and when the Christians now detained on the charges specified are actually released by the Commissioners.

No. 176.

Sir E. Monson to the Marquis of Salisbury.—(Received February 20.)

My Lord,

Athens, February 14, 1890.

THE information which reaches me from unofficial sources as to the prospect in Crete is not as reassuring as that which seems to form the basis of opinion in regard to the island in most of the European capitals.

I have no knowledge of the intentions of the Porte as to a modification of the Firman and an extension of the amnesty, but all that I hear of the determination of the Cretans in respect of these points leads me to the belief that those who have it in their power to cause trouble show no diminution of their tenacity on these points.

The most encouraging feature in the present condition of affairs appears to me to be the steady determination of the Greek Government to discourage by every means in their power any insurrectionary movement.

I am told, however, by those who are in the secrets of the malcontents, that attention will no longer be paid to any advice which may be tendered by M. Gryparis in the sense of offering no resistance to the reoccupation by the Turkish troops of the strategic points from which they had to retire during the winter; and that as soon as the season is propitious for the movement of the troops for the above-mentioned purpose, the latter will find that they have to encounter armed opposition at the hands of the Christians.

I am told also that the famous Hadji Michali, who has lived for many years here on a Russian pension, has succeeded in buying a large quantity of cartridges, and that he has quite emancipated himself from the control which this Government for some time exercised over him.

I am told that even if some of the Cretan Chiefs now here should allow them-

selves to be persuaded to remain quiet, the malcontents in the island would not be disconcerted, as they have already selected younger and more energetic men as the directors of the movement.

I am told, also, that it is impossible to persuade the Cretan malcontents that this Government will not come to their aid in the event of an insurrection; that the Chiefs now here are assured by the Opposition that if the Government remains aloof it will succumb to the force of public opinion, and that correspondence in this sense is being poured into Crete from the refugees. As long as these refugees remain in Greece this pernicious influence will be exercised through them upon the islanders.

I have, &c.

(Signed) EDMUND MONSON.

No. 177.

Consul Biliotti to the Marquis of Salisbury.—(Received February 20.)

(Telegraphic.)

Canea, Crete, February 20, 1890.

EMANUEL MARKANDONAKI was set at liberty yesterday in pursuance of instructions received by the Vali from Constantinople. (See Inclosure 1 in my long despatch of the 1st instant.) On the 15th instant eighteen refugees returning from Athens were allowed to land at Rethymo and proceeded to their homes in the district of Aghios Vassilios. Amongst them was a notorious Conservative leader, who was a Deputy in the last General Assembly. The Turkish authorities have not in any way molested these refugees.

No. 178.

Consul Biliotti to the Marquis of Salisbury.—(Received February 25.)

My Lord,

Canea, Crete, February 1, 1890.

ON the 27th ultimo I had the honour to repeat to your Lordship the following telegram, which I addressed to Her Majesty's Ambassador at Constantinople:—

"In reply to your Excellency's telegram of yesterday, I have the honour to report that the whole number of persons excluded from the amnesty for political offences is thirty-eight. Eighteen of these are undergoing punishment, and twenty may be considered to be outlaws; but three of the latter are sure to be acquitted if they should appoint a friend to represent them in the trial. Therefore, the number of political offenders now in Greece, who may be afraid to return to Crete, amounts to twenty at most.

"The discrepancy in the number of refugees excluded from the amnesty can only be explained by a deliberate intention of increasing their number from 20 to 2,000.

"According to the most exaggerated statements here, the number of refugees now in Athens is 1,000, but from 500 to 600 may be the true number, one-third of whom may be excluded by the dread of punishment for offences at common law. The truth may be very easily tested by drawing a nominative list of the refugees at Athens. I hope to be able to send one within the week. It is only to be wondered that, for the sake of the allowance granted to them in Greece, more Cretans should not emigrate.

"If subsidies should be granted to fifteen individuals who, without any motive, embark this day from Canea for the Piræus, they will be followed by many more. Therefore, it depends on the Hellenic Government to regulate emigration."

In order to elucidate all the points contained in the foregoing telegram, I have the honour to inclose:—

1. A list, with observations, of the eighteen men condemned by Court-martial, who are undergoing punishment;

2. A Return of all the individuals detained in the prisons of this island; and

3. A nominative list of the emigrants now in Greece.

1. Out of the eighteen individuals, eight are condemned for other than purely political motives, and only twelve out of the eighteen prisoners have been sent out of the island.

2. The Return of the prisoners on the island was furnished to me by the local authorities, but I have ascertained from other sources some of the figures to be

perfectly exact. I have not been able to find out the proportion in which Mussulmans stand in this total. However, it may be taken for granted that, if they represent one-third in the cases before the local Tribunals, they do not exceed 10 per cent. in Court-martial. The foregoing proportion would give—for Christians, local Tribunals, 207; Court-martial, 263; total, 470; and for Mussulmans, local Tribunals, 104; Court-martial, 28; total, 132. Of course, these figures are liable to alterations; but, except for murders or attempts at murder, can only decrease.

3. The nominative list of emigrants, without being perfectly accurate, is not very far from the truth. In round numbers there are 300 men, who can be subdivided as follows:—

Thirty murderers, sixty offenders at common law, 130 political offenders, and eighty having nothing to their charge, to whom last should be added the members of forty-one families from Candia, about thirty from Rethymo, and as many from Canea.

With the twenty political outlaws, and a most liberal addition for omissions, and members in families, men, women, and children together, would amount to about 1,000 souls.

No restriction on the part of the Government ever prevented three-fourths of these emigrants from returning to their country. And since Shakir Pasha's publication on the 31st December last of the list of persons excluded from the amnesty, political emigrants can have no apprehension of any sort. When the Vali carries out his scheme, which cannot take long, to transfer civil cases to the local Tribunals, offenders at common law cannot put forward as a pretext for not returning the dread of Court-martial. But, of course, the Government cannot remit claims for debt or for indemnity. The only refugees unable to come back to Crete in consequence of the Firman are the twenty political outlaws, whose number can be reduced to seventeen by the consent of three of them to be represented on a trial.

I do not naturally take into account murderers who are in the habit of crossing over to Greece after committing assassination in Crete.

I have, &c.

(Signed) ALFRED BILIOTTI.

P.S. *February 10.*—Owing to a delay in the receipt of the lists of emigrants from Rethymo and Aghios Vassilios, I was unable to forward last week my present Report.

In order to complete the information in this despatch, I beg to add a nominative list of the sixteen leaders who were condemned in default and of the four whose cases have been reserved.

A. B.

Inclosure 1 in No. 178.

A List of, with Observations on, the Eighteen Christians condemned by Court-martial and undergoing Punishment, and who are excluded from the Amnesty.

N.B.—These individuals are those mentioned in the List published by his Excellency Chakir Pasha on the 31st December last.

No.	Names of Prisoners.	Date of Condemnation.	Ground of Condemnation.	Nature of Penalty and Place of Exile.	Observations.
1	Emmanuel Tspakis ..	Aug. 14 ..	Political offence ..	3 years' detention, Argana Maaden	Gendarme, who deserted and assisted Russo Christodoulakis, carrying his letters, &c.
2	Russo Christodoulakis ..	" 14 ..	Ditto ..	Death; commuted to hard labour for life, Rhodes.	Administrative Councillor, considered as one of the promoters of the late manifestations.
3	Georg. or Anagnostis Gogonis..	Sept. 21 ..	Ditto ..	Perpetual banishment, Iconium ..	But I believe still at Constantinople. Governor of district of Aghios Vassilios. Active leader of manifestants. Allowed to take his family with him.
4	Emmanuel Varidakis ..	Aug. 20 ..	Ditto ..	3 years' banishment, Amassia ..	Shoemaker. Wrote to his wife a letter, which was considered as likely to have excited population.
5	Joannis Anastassakis ..	Sept. 6 ..	Ditto ..	15 years' detention, Mossul ..	Deputy to the General Assembly. Signed Decree of Annexation to Greece.
6	Giorgis Kolyabassakis ..	Oct. 4 ..	Ditto ..	12 years' detention, Synope ..	Government assistant clerk. Gogonis' Secretary in meetings. At my request this prisoner, who is only 22 years of age, and of weak health, has been kept here, and is lodged, together with No. 17, in a room near the guard-house.
7	Artemios Nicakis ..	" 30 ..	Ditto ..	Perpetual banishment, Oushak ..	Hoisted a flag considered to represent insurrectionary emblems. Allowed to take his wife with him, but, having no money to do so, Chakir Pasha paid his passage.
8	Emmanuel Castrinakis ..	Nov. 5 ..	Murder of Mussulman ..	Condemned to death, Canca ..	The murder was committed by his brother, and he was condemned as having taken part in it. But a strong conviction prevails among Christians that he is quite innocent. The brother has escaped to Greece.
9	Hatzi Emmanuel Economaki ..	" 5 ..	Threatening life of Christians and Mussulmans	3 years' hard labour, Candia.	
10	Emmanuel Karpathaki ..	" 5 ..	Stabbing a Mussulman woman	6 years' hard labour, Synope.	
11	Joannis Georgis Astrinakis ..	" 13 ..	Appropriation of Government movables and money	5 years' hard labour, Synope.	Lieutenant of Gendarmerie in Province of Candia.

No.	Names of Prisoners.	Date of Condemnation.	Ground of Condemnation.	Nature of Penalty and Place of Exile.	Observations.
12	Constantis Prinistakis	Nov. 14 ..	Political offence	7 years' detention, St. Jean d'Acre	Taken an active part in meetings of manifestants, posting up notices, &c. Thousands of individuals being guilty of arson, the punishment of only two or three may be contrary to equity.
13	Vassilios Constandakis	} 22 .. " 21 ..	Arson	{ 7 years' hard labour, St. Jean d'Acre. 3 years' imprisonment, Candia.	
14	Nicolaos Georgiu		Firing at, but missing, soldiers.		
15	Nicol. Papadoyannakis		Arson		
16	Antonios Savakis	" 23 ..	Political offence	3 years' hard labour, Candia.	
17	Emmanuel Marcantonaki	" 25 ..		5 years' detention, Synope	
18	Joannis Dermitzakis	" 27 ..	Ditto	3 years' imprisonment, Candia	

(Signed) ALFRED BILLIOTTI.

Inclosure 2 in No. 178.

NUMBER of Christians and Mussulmans detained in the Prisons of the Island of Crete on or towards the 25th January, 1890.

	Local Tribunals.			Courts-martial.			Grand Total.
	Individuals Condemned.	Cases not disposed of.	Total.	Individuals Condemned.	Cases not disposed of.	Total.	
Province of Canea.. ..	..	..	..	..	..	..	..
Town of Canea	71	115	186	14	39	53	239
Selinos	..	10	10	..	..	..	10
Province of Sphakia	..	..	..	..	..	..	..
Apokorona	..	..	..	4	8	12	12
Spilli, Aghios Vassilios	..	5	5	..	..	..	5
Province of Rethymo	13	16	29	29	49	78	107
„ Candia	27	32	59	49	88	137	196
„ Lassithi	6	16	22	..	11	11	33
Total	117	194	311	96	195	291	602
Proportion of Mussulmn	39	65	104	9	19	28	132
„ Christians	78	129	207	87	176	263	470

The average in the cases before the local Tribunals is fixed on the proportion of the population, one-third Mussulmans and two-thirds Christians.

Of the 115 cases not disposed of at Canea, 1 stands since the year 1886, 3 since 1887, 25 since 1888, and 86 since 1889; total, 115.

The non-appearance of the required witnesses is the motive alleged for their not having been settled as yet.

(Signed) ALFRED BILLIOTTI.

Canea, Crete, February 1, 1890.

Inclosure 3 in No. 178.

NOMINATIVE List of Cretan Emigrants, 1889-90.

Province of Canea.

DISTRICT OF CYDONIA (CANEA PROPER).

Commune of Ceramia.

No.	Name.	Observations.
1	Constantinos Athoussakis	Political offence.
2	Nicolaos Sifakis	Ditto.
3	Constant's C. Nicolakakis	Ditto.
4	Charalampo Franceskakis	Ditto.
5	Constantis Papadakis	Ditto.
6	Dimitrios Papadogiamakis	Ditto.

Commune of Perivolía.

7	Joannis Yrannarakis	Ditto.
8	Jacovos Plounidakis	Ditto.
9	Nicolaos Zographakis	Ditto.
10	Constantinos Smirlakis	Ditto (gendarme).
11	Grigorios Calfakis	Tithe farmer.
12	Nicolaos Cristakis	Ditto.
13	J. Pavlakis	Ditto.
14	N. Zografakis	Ditto.
15	G. Gavgiotakis	Ditto.
16	Nicolaos Stamatakis	Ditto.
17	G. Caralakis	Ditto.

Commune of Alikianou.

No.	Name.	Observations.
18	Antonios A. Bolanakis	Political offence (Deputy).
19	Dimitrios Carpovgas	Ditto.
20	Joannis Manoussakis	Ditto.
21	Nicolaos Alakatakis	Tithe farmer.
22	Michail Coculakis	Ditto.
23	Georgios Tzortzakis	Ditto.

Commune of Lakkos.

24	Kyriacos Koukounakis	Priest.
25	Apostolos Dracoulakis	Political (the President of Manifestants).
26	Ilias Leventakis	Ditto (officer of gendarmerie).
27	G. Blazakis	Ditto (Government Treasurer in Candia).
28	Georgios Mantakakis	Political offence.
29	Joannis Scoulas	Ditto.
30	Nicolaos Manoussakis	Ditto.
31	Michail Chazirakis	Ditto.
32	Joannis Yannarakis	Ditto.
33	Emmanuel Bolanakis	Ditto.
34	Joannis Em. Scoulas	Ditto.
35	Constantis Manoussakis	Ditto.
36	Anagnostis Papadakis	Ditto.
37	Stefanos Papadakis	Ditto.
38	Michail Papadakis	Ditto.
39	Joannis Saridakis	Ditto.
40	„ Marinakis	Ditto.
41	Nicolaos Jzougalakis	Ditto.
42	Emmanuel Izoyalakis	Ditto.
43	Nicolaos Manolarakis	Outlaw.
44	Emmanuel Proimakis	Tithe farmer.
45	Antonios Nicoloudis	Ditto.
46	Joannis V. Mantakas	Murderer
47	Emmanuel Micheletaki	Ditto.
48	Aristidis Kazalis	Ditto.
49	Antonios Zouridis	Ditto.
50	Stavros Zouridis	Ditto.
51	Emmanuel Feraroli	Ditto.
52	Pavlos Ferarolis	Ditto.
53	Michail Controulis	Ditto.
54	Charalambos Controulis	Ditto.

Commune of Aerotiri.

55	Anagnostis Cazakos	Political offence.
56	Emmanuel Iliaki or Nicolaïdi	Ditto.

Commune of Pirzo Psilouero.

57	Joannis A. Galanakis	Political offence.
58	Georgios Mavroyenakis	Ditto.

DISTRICT OF KHISSAMOS.

59	A. Agorastakis	Political offence.
60	Nicolaos Mavrakis	Ditto.
61	Georgios Michalakakis	Ditto.
62	Antonios Saridakis	Ditto.
63	Georgios Calogherakis	Ditto.
64	A. Fidalis	Tithe farmer.
65	Jossif Proimakis	Burnt Government archives at Vukolies.
66	Stelianos Boyagakis	Arson and theft.
67	Nicolaos Liapakis	Thief by trade (gendarme).

DISTRICT OF SELINGS.

No.	Name.	Observations.
68	Constantinos M. Founis ..	Political offence.
69	Petros A. Founis ..	Ditto (leader).
70	Anagnostis Bitzakis ..	Ditto.
71	Joannis Papayannakakis ..	Ditto (officer of gendarmerie).
72	Nicolaos Papadakis ..	Ditto.
73	Themistoclis Sifakis ..	Ditto.
74	Panayotis Corkidis ..	Ditto.
75	Georgios Papamarkakis ..	Ditto.
76	Georgios Boyazakis ..	Ditto.
77	Emmanuel Papadakis ..	Ditto.
78	Joannis C. Criaris ..	Ditto.
79	Michaël Cocolakis ..	Ditto.
80	Anagrostis Papa Casselakis ..	Ditto.
81	Anagnostis Vardoulakis ..	Ditto.
82	Georgios Benios ..	Ditto.
83	Efthimios Devogas ..	Tithe farmer
84	Joannis Lampakakis ..	Ditto.
85	Christos Mathioudakis ..	Ditto.
86	Joannis Giorgia Rakis ..	Murderer.
87	Vardis Tsouris ..	Ditto.
88	Nicolaos Xanthoudakis ..	Rape of a Christian young lady.
89	Marcos Xanthoudakis ..	

Province of Rethymo.

DISTRICT OF RETHYMO PROPER.

No.	Name.	Observations.
90	Minos Lampropoulos ..	Political offence (Deputy).
91	Georgios Kaffatos ..	Ditto. "
92	Stelianos Vardakis ..	Ditto.
93	Petros Tatarakis ..	Ditto.
94	Georgios Athanassiadis ..	Ditto.
95	Grigorios Perakakis ..	Ditto.
96	Georgios Mistrakis ..	Ditto.
97	Antonios Vlatakis ..	Ditto.
98	Michaël Liandris ..	Ditto.
99	Joannis M. Liandris ..	Ditto.
100	Em. Daskalakis ..	Ditto.
101	Emm. Hatzidakis ..	Ditto.
102	Emm. S. Vardakis ..	Ditto.
103	Antonios Vardakis ..	Ditto.
104	Marcos Vardakis ..	Ditto.
105	Joannis Chlampoutakis ..	Ditto.
106	Joannis Grigoriadis ..	Ditto.
107	Pavlos Vlastor ..	Ditto.
108	Alexios Macripodakis ..	Ditto.
109	Michaël Kouris ..	Ditto.
110	Michaël Grigoriadi ..	Ditto.
111	Michaël Haniotakis ..	Ditto.
112	Georgios Daletzas ..	Ditto.
113	Joannis G. Daletzas ..	Ditto.
114	Georgios E. Lentzakis ..	Ditto.
115	Georgios Kalliopetrakis ..	Ditto.
116	Em. Boyatzakis ..	Ditto.
117	Const. N. Siragas ..	Ditto.
118	Georgios Scountakis ..	Ditto.
119	Stelianos Sapountzakis ..	Ditto.
120	Andreas Loutrianakis ..	Ditto.
121	Halikadakis Andreas ..	Ditto.
122	Eleftheros Liandris ..	Ditto.
123	Georgios Harkiadakir ..	Ditto.
124	Spiridon Tzidakis ..	Ditto.
125	Anagnostis G. Tzanidakis ..	Offence at common law.
126	Emmanuel Terzis ..	Ditto.
127	Stelianos Voyoukalakis ..	Ditto.
128	Spiridon A. Dascalakis, or Klinaf-takis ..	Ditto.
129	Georgios Tsangarakis ..	Ditto.

DISTRICT OF MYLOPOTAMO

No.	Name.	Observations.
130	Zaharias D. Maroulis	Political offence.
131	Emm. Dascalakis	Ditto.
132	Constantinos Stavrakakis	Ditto (officer of gendarmerie).
133	Nicolaos Perakakis	Ditto.
134	Dimitrios Hourdos	Ditto.
135	Andreas Hourdos	Ditto.
136	Nicolaos Papamarkakis	Ditto.
137	Constantinos Yerakaris	Ditto.
138	Em. Papamarkakis	Ditto.
139	Michail Couratoras	Offence at common law.
140	Georgios Kermitzakis	Ditto.
141	Georgios Vernardos	Ditto.
142	Constantinos Kalivianos	Ditto.
143	Joannis Cartassakis	Ditto.
144	Antonios Skinas	Ditto.
145	Georgios Cartassakis	Ditto.
146	Nicolaos Madianakis	Ditto.
147	Michail Dafnomilis	Ditto.
148	Nicolaos Milidonis	Ditto.
149	Marcos Moustakis	Ditto.

DISTRICT OF AMARI.

150	Emm. Portalios	Political offence
151	Joannis Voulgaris	Ditto.
152	Dimitrios Hatzidakis	Ditto.
153	Georgios Hatzidakis	Ditto.
154	Nicolaos Hatzidakis	Ditto.
155	Georgios Yannacoudakis	Ditto.
156	Nicolaos Yannacoudakis	Ditto.
157	Emm. Generalis	Ditto.
158	Apostolos Patacos	Ditto.
159	Charalampos Franzakis	Ditto.
160	Emm. D. Bornakis	Ditto.
161	Stelianos Marcandonakis	Ditto.

Province of Candia.

No.	Name.	Observations.
162	Michail Macrakis	Political offence.
163	Nicolaos Macrakis	Ditto.
164	Michail Hatzakis	Ditto.
165	Yannis Agionicolitis	Ditto.
166	Emm. Polickronidis	Ditto.
167	Nicolaos Yeronimakis	Ditto.
168	Demetrios Malagardis	Ditto.
169	Stavros Malagardis	Ditto.
170	Andreas Parassirakis	Ditto.
171	Lydakias	Ditto.
172	Emm. Layadis	Ditto.
173	Stelianos Alexion	Ditto.
174	Emm. Alexion	Ditto.
175	Antonios Aretakis	Ditto.
176	Apostolos Xenondakis	Ditto.

Province of Lassithi.

No.	Name.	Observations.
177	Joannis Mourelakis	
178	Manolis Christinakis	
179	Georgios Pankalos	
180	Nicolaos Pankalos	
181	Georgios Torrados	
182	Marcos Tavrados	
183	Manolis Zaharias	
184	Antonios Nerazoulis	
185	Georgios Cabadaïs	
186	Constantinos Stefanis	
187	Yiannis Condilakis	

Province of Sphakia.

DISTRICT OF APOKORONA.

No.	Name.	Observations.
188	Joannis Birikakis	Political offence.
189	Joannis Alifierakis	Ditto.
190	Jossif Frangiadakis	Ditto (officer of gendarmerie).
191	Dimitrios Vagionakis	Ditto.
192	Matthios Milonoyannakis	Ditto.
193	Joannis G. Papadakis	Ditto.
194	Joannis Zographakis	Ditto.
195	Pavlos N. Marangoudakis	Ditto.
196	Michail M. Milonoyannakis	Ditto.
197	Georgios Girmalakis	Ditto.
198	Gavril N. Gavrilakis	Ditto.
199	Georgios Gavrilakis	Ditto.
200	Constantis Lionoudakis	Ditto.
201	Constantinos Piperakis	Ditto.
202	Joannis C. Lianoudakis	Ditto.
203	Haralampos Piperakis	Ditto.
204	Manoussos Vorinakís	Ditto.
205	Emm. C. Scounakis	Ditto.
206	Paraskevas Kotzampassaki	Ditto.
207	Georgios J. Hadzidakis	Ditto.
208	Const. J. Tzitzikakis	Ditto.
209	Georgios Galanakís	Ditto.
210	Georgios J. Papadakis, or Cadi	Ditto.
211	Emm. Frantzescakis	Ditto.
212	Anagnostis J. Papadakis	Ditto.
213	Leonidas M. Papadakis	Ditto.
214	Pavlos N. Vrontakis	Ditto.
215	Stamatios Boscakis	Ditto.
216	Alexios Frangioudakis	Ditto.
217	Polos Fafoutakis	Ditto.
218	Giorgios Simvoulakis	Ditto.
219	Vardis Spiridakis	Ditto (officer of gendarmerie).
220	Joannis M. Vantoulakis	Ditto.
221	Georgios Fours	Ditto.
222	Georgios Vassilantonakis	Ditto.
223	Grigorios Polanagnostakis	Ditto.
224	Matthios J. Liadakis	Ditto.
225	Thomas, or Anagnostis, Thoma- dakís	Ditto.
226	Jossif Dermitzakis	Ditto.
227	Nicolaos Jossif Platadakis	Ditto.
228	Emm. J. Platadakis	Ditto.
229	Joannis Pavlakís	Offence at common law.
230	Nicolaos Apostolakis	Ditto.
231	Emm. Viotakis	Ditto.
232	Joannis Papadoyanakis	Ditto.
233	Joannis Nidakís	Ditto.
234	Stavros J. Papadakis	Ditto.
235	Vassilios G. Mandadakís	Ditto.
236	Efstratios A. Milessakis	Ditto.
237	Joannis E. Coufakis	Ditto.

No.	Name.	Observations.
238	Eleferios G. Birirakis ..	Ditto.
239	Stelianos Hatzi Stamatakis ..	Murder of Mussulman.
240	Joannis Venetis ..	Ditto.
241	Georgios Terezakis ..	Ditto.
242	Alexios Em. Sagakis ..	Murder of J. Sergaki.
243	Jossif A. Zographakis ..	Ditto.
244	Charalambo Em. Sergakis ..	Ditto.
245	Nicolaos J. Cotsakis Haralam- pakis	Ditto.
246	Emm. J. Vrontakis ..	Ditto.
247	Haralambos Wicitakis, or Kout- zakis	Ditto.

DISTRICT OF SPIAKIA PROPER.

248	Russos J. Coundourakis ..	
249	Andreas Criaras ..	
250	Georgios Orfanoudakis ..	
251	Manoussos Christodoulakis ..	
252	Stavros Courcoutakis ..	
253	Georgios Sifaloudakis ..	

DISTRICT OF AGHIOS VASSILIOS.

254	Georgios Procopakis ..	Offence at common law.
255	Stylianios Procopakis ..	Ditto.
256	Georg. Emm. Papadakis ..	Ditto.
257	Costis Caclamanakis ..	Ditto.
258	Antonios Caclamanakis ..	Ditto.
259	Xirouhis Harissakis ..	Ditto (officer of gendarmerie).
260	Emm. Gyparis ..	Ditto.
261	Emm. N. Papadakis ..	Ditto.
262	Georgios Aretakis ..	Ditto.
263	Stylianios Perissakis ..	Ditto.
264	Emm. Calagerakis ..	Ditto.
265	Christos Tzenevrakis ..	Ditto.
266	Anagnostis Stefanakis ..	Ditto.
267	Georgis Stefanakis ..	Ditto.
268	Nicol. Kacovolakis ..	Ditto.
269	Georgios Glinias ..	Ditto.
270	Emm. Hatzidakis ..	Ditto.
271	Georgios Brilas ..	Ditto (officer of gendarmerie).
272	Costis Plevrakis ..	Ditto.
273	Nicolaos Hatzipapadakis ..	Ditto.
274	Nicolaos Petrakis ..	Ditto.
275	Joannis Tsouderos ..	Ditto.
276	Emm. Papasyiannakis ..	Ditto.
277	Ant. Papadakis ..	Ditto.
278	Georgios Courcoulakis ..	
279	Emm. Papadakis ..	
280	Georgios Sargakis ..	
281	Ilias Sfakianakis ..	
282	Kyriacos Tatarakis ..	
283	Joannis Markakis ..	
284	Polichronis Copanakis ..	
285	Eftinnios Christodoulakis ..	
286	Georgios Sfinias ..	
287	Nicolaos Cotsifis ..	
288	Costis Bouranis ..	
289	Georgios Daratsianakis ..	
290	Joannis Calogerakis ..	
291	G. Athanassiadis ..	
292	Emm. Daskalakis ..	
293	G. Mamalakis ..	
294	G. Menadakis ..	
295	T. Mamalakis ..	
296	Marcos Dimitracakis ..	Deputy.
297	Stelianos Dimitracakis ..	
298	Joannis Gregoriadis ..	
299	Giorgis Maris ..	Conservative leader, Kissamo.

Inclosure 4 in No. 178.

LIST of the Leaders condemned up to the 31st December, 1889, and to be condemned after that Date in default as being excluded from the Amnesty.

No.	Name.	Observations.
1	Aristidis Criaris	{ Deputies to the General Assembly and promoters of the Decree of Annexation to Greece, condemned on the 4th December, 1889, to detention for life at Mousoul.
2	Nicolaos Zouridis	
3	Joannis Miyakis	
4	Andreas Cacouris	
5	Nicolaos Christodoulakis ..	Major of Gendarmerie at Canea. Sentenced to death; penalty commuted to detention for life. Sentence not yet published.
6	Georgios Ghipakis	Printer, who published the Decree of Annexation to Greece. Condemned on the 29th November (11th December) to ten years' detention at Mousoul.
7	Dimitrios Papadakis	Murdered Theodoro Monoussaki, who belonged to the opposite political faction. Condemned to death on the 9th (21st) December, 1889.
8	Emmanuel Arfanos	As an accomplice in the foregoing murder. Condemned by the same sentence to five years' hard labour at Adana.
9	Antonios Sifakas	President of the meetings of the Manifestants. No sentence published as yet.
10	Vassilios Georgiadis	Superintendent of Gendarmerie at Canea. Desertion while leading a detachment of troopers. Condemned to death on the 12th (24th) January, 1890.
11	Dimitrios Gogonis	{ Sentences not published yet.
12	Mentzikoff Bolakadis	
13	Stelianos Hadji Emmanuel ..	
14	Spiridon Maldredos	
15	Emmanuel Micheletos	
16	Stamatios Mavrogenis (Mayor of Gendarmerie)	

LIST of the Leaders whose Cases were reserved for Trial.

No.	Name.	Observations.
1	Minos Tssichakis	Chief leader of Conservatives, but who has taken no personal part in the manifestations. Having charged a friend to represent him at trial, the Court-martial is about to issue a sentence acquitting him of all charges.
2	Haralampos Poloyorgakis }	{ Leaders of Liberals. Convened a meeting of their partisans with the object of making a peaceful demonstration against the manifestants. Their having been included in this list can only be attributed to some influence of the opposite party on the local authorities. It depends on them to be acquitted by adopting the course followed by No. 1.
3	Elefterios Benizelos .. }	
4	Antonios Tannaris (my former clerk)	
		Active political leader of Conservatives. The Vali objects to his return here; but as he resides at Athens, and had come here temporarily at the request of his countrymen, he is not so much affected as others by the exclusion, which, of course, cannot last for ever.

(Signed)

ALFRED BILIOTTI.

Consul Biliotti to the Marquis of Salisbury.—(Received February 25.)

My Lord,

Canea, Crete, February 11, 1890.

ABOUT twelve days since, two troopers having been killed in the vicinity of the village of Nea Roumata, it was rumoured that the day following, in revenge, seven soldiers had violated a Christian woman belonging to that village, and as brutally treated her husband, Constantino Calfaki, who was lying ill in the hospital, but was not allowed to communicate with any one.

These alleged outrages excited the greatest indignation among the Christian population of the town.

On inquiry, I found that Calfaki had never entered the hospital, but was detained in prison under suspicion of being implicated in the murder of the two troopers.

His Excellency Chakir Pasha, to whom I referred the matter, assured me that no outrage whatever had taken place. My investigations in other quarters failed to confirm the rumour.

A few days after, it was reported to me by my Greek colleague that the report was so true that a dozen soldiers had been imprisoned as guilty of the outrage.

Next day, that is, on the 8th instant, I called, with Commander Brenton, of Her Majesty's ship "Fearless," which had just arrived at Suda Bay, and stated to his Excellency what I had heard.

Chakir Pasha proposed to call the prisoner and hear his own tale, an offer which I declined to accept. But understanding that Calfaki was about to be released I begged the Vali, who complied with my request, that the prisoner should be set at once at liberty, so as to afford an opportunity to Commander Brenton and myself to speak with him out of the Government Palace.

My clerk being absent from the office, I begged a Cretan gentleman, M. Tacovo Moazzo, to kindly write down the depositions of Calfaki in his own words. He categorically denied that either his wife or himself had been brutally treated by any soldiers.

We then proceeded, accompanied by Calfaki, to the Greek Consulate, when he repeated the statement made in my office. My Greek colleague then begged me to be allowed to have an interview with him in a separate room.

On his issuing therefrom, M. Gryparis told me that he wanted to ascertain whether the man was not ashamed to confess the truth, but that he was now convinced that the rumour was quite unfounded.

On further inquiries, Calfaki said that the only incident between his family and soldiers was one concerning his sister-in-law.

Some time since she was washing linen on the river bank, when two soldiers made water in her presence in an indecent manner, and that she fled; and that having charged them, through a native Mussulman, of having behaved improperly, they swore that they had not seen the woman, who in fact stated that they had not spoken to her.

Her Majesty's ship "Fearless" having proceeded to the Piræus, I beg that Her Majesty's Minister at Athens should ascertain from Commander Brenton whether the circumstances mentioned in this Report lack in any way in accuracy.

My clerk, who is personally acquainted with Calfaki, asked him privately to tell him whether he was not concealing the truth. The man, thinking perhaps that I was endeavouring to make out a case, answered that he had to render to God an account of his soul, and that he could not make a false accusation.

However, to my astonishment, one of my colleagues told me the next day that of course Calfaki knew nothing of the outrage, as it had taken place while he was in prison, on his wife, and another man who accompanied her. Another of my colleagues stated that Calfaki was threatened or bribed to conceal the fact, or that he was ashamed to speak the truth.

I have, &c.

(Signed) ALFRED BILIOTTI.

P.S.—I forgot to mention that Calfaki stated that he and his fifteen companions were not ill-treated while being conveyed to the town.

A. B.

Censul Biliotti to the Marquis of Salisbury.—(Received February 26.)

My Lord,

Canea, Crete, February 17, 1890.

THE incidents worth reporting which have taken place during the last three weeks are the following:—

Shortly after the murder of the two soldiers in the Province of Candia, which I reported in my despatch of the 28th ultimo, two native Mussulmans were murdered by Christians in that same district, one Christian by Mussulmans near the village of Castellós, in the Province of Rethymo, and two troopers, mentioned in my despatch of the 11th instant, near the village of Neakoumata, in the Province of Canea.

On these occasions no less than 60 prisoners, according to the Vali, and upwards of 100, according to Christians, were apprehended at Candia under suspicion of the murders in question; 22 and 5 for the previous murders of Mussulmans reported in my despatch of the 28th ultimo at Rethymo; 16 and a further batch of 6 for that of the two troopers; total, 109 or 149 for nine murders.

Of these prisoners, only 7 according to the Vali, and 20 according to Christians, remain in prison at Candia, 4 at Rethymo, and 6 here; total, 17 or 30.

These prisoners were conveyed in the towns bound by the arms with ropes, and ill-treated, it is said, on the road. However, the only ones with whom I have had occasion to speak are Costandi Calfaki, Marcos Papayannakis, and Panayotis Moundoulakis, all of the batch of sixteen from Neakoumata, who said that they were not beaten.

The two last witnesses stated that one of their companions had been struck with a stick for not walking fast enough, which was most difficult, owing to their being closely bound together.

Marcos Papayannakis and Panayotis Moundoulakis entirely confirmed Costandi Calfaki's denial concerning the outrage against himself and his wife by seven soldiers.

Mr. Vice-Consul Calocherino informs me that the Lieutenant-Governor at Candia, a Christian, examined the cases of murders in that district, and discovered three of the Christian murderers; that, according to Christian version, soldiers thrashed Christians, but that the property, which was recovered in part, was stolen by native Mussulmans.

The troops, who searched the villages of Neakoumata and others near which were discovered the corpses of the two troopers, are accused of having stolen small sums of money and some provisions and clothing.

I have handed to the Vali a nominative list of twelve cases of this description, including that of a woman who was beaten, and that of soldiers having broken the incense-burner in the Church of St. George at Neakoumata.

Chakir Pasha told me that three other women from the same village had made similar complaints, and that the few valueless objects of which they had been deprived were restored to them.

The case of a Christian prisoner who was wounded near Sembrona by a native gendarme is differently reported. According to the version of the local authorities, he carried off the rifle of the gendarme who stabbed him. According to Christians, he was wounded without motive, and is said to have died from his wounds.

No murders have taken place for nearly a fortnight.

A Decree was issued, according to which deserters in the native gendarmerie who were claiming arrears of pay would be paid on proving that desertion was in some way forced upon them by circumstances, but that those who had deserted of their own free will would refund to the Treasury the balance between their arrears of pay and the sum of 10 liras, for which each gendarme gave a guarantee on his being enrolled.

Those who can make out a good case appear for the settlement of their accounts, but I understand that the others are absconding, which is not very favourable for the restoration of tranquillity.

I have, &c.

(Signed) ALFRED BILIOTTI.

Sir E. Monson to the Marquis of Salisbury.—(Received by telegraph, February 27.)

My Lord,

Athens, February 27, 1890.

THE Athenian newspapers of this morning publish a Notice, signed by Dagnès Effendi, the Turkish Consul-General at the Piræus, to the following effect:—

“It is brought to the notice of the Cretans now in Greece that, in accordance with the Imperial Firman of the 1st Rebi-ul-Akhir, 1307, they may go freely to Crete, with the exception of the following sixteen individuals already condemned in default, viz.: Aristides Criaris, of Selino; John Migiakis, of Campo; Nicolas Christodoulakis, of Sphakia; Demetrius Papadakis, of Pevko, of the district of Lasithio; Antony Sephaka, of Melissiono, of Apokorona; Demetrius Gorgonis, of Stylo, of Apokorona; Stylianis Hadji-Manolis, of Calio; Manolis Michelitis, of Lakkos; Andrew Kakouris, of Apokorona; George Gypaki, of Akroterium; Emmanuel Orphanos, of Pevko, of the district of Lasithio; Georgiadis Vasilaki, of the gendarmerie of Selino; Mentzikou Voulakakis, of Plaka, of Apokorona; Spiro Malindretis, of Cydonia; and Mavroyennis Stamatis, of Syron.

“The Consulate-General at Athens and the Piræus has been empowered to issue passports gratis to those who may wish to make use of them.”

I have telegraphed the substance of this despatch to Constantinople and Crete, as well as to your Lordship.

I have, &c.

(Signed) EDMUND MONSON.

Admiralty to Foreign Office.—(Received February 28.)

Sir,

Admiralty, February 26, 1890.

IN reference to previous correspondence, I am commanded by my Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for Foreign Affairs, a further letter which has been received from Commander Carey Brenton, of Her Majesty's ship “Fearless,” dated the 10th instant, reporting on the state of affairs in Crete.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure in No. 182.

Commander Brenton to Vice-Admiral Sir A. Hoskins.

Sir,

“Fearless,” at Syra, February 10, 1890.

I HAVE the honour to inform you that, taking advantage of a lull in the bad weather which had been prevailing in the Ionian Islands for over a week, I left Zante on the evening of the 5th instant, arriving in Suda Bay the following evening.

I found on my return to Crete, after an absence of more than a month, that the political aspect of affairs in the island had undergone no very great change.

The complaints of outrages by the troops in the interior, with one remarkable exception which it will be better to mention separately, seem to have ceased.

There appears to be no indication that the Christian population has any present intention of taking to the mountains or otherwise rising in insurrection.

It seems likely that, as Shakir Pasha obtains more time to carry out a firm and conciliatory course of government, the prospects of disturbances will gradually become less and less, although it will probably never be safe to say that in Crete all chance of an outbreak is entirely at an end.

There are two sources from which trouble might arise at the present moment.

In the first instance, several cases have occurred of isolated policemen and orderlies being shot at whilst carrying out their duties in the country. Repeated acts of this kind may possibly drive the Turks to retaliate, when a kind of guerilla warfare would be established, to which it would be difficult to assign limits. To produce this result is no doubt the object of the individuals who shoot inoffensive soldiers engaged in ordinary peace duties.

The other source of danger to the tranquillity of the island is to be apprehended from the inflammatory reports set in motion by evil-disposed persons.

An instance of these false reports was a charge of a most atrocious character, the one already alluded to, against the Turkish troops.

I quote this case in detail as it forms an almost exact example of the kind of "atrocities" which Mr. Biliotti and myself were called upon to investigate in our trip into the interior.

On returning to Crete I met Mr. Almond, the Manager of the Eastern Telegraph Company, an Englishman and a gentleman, who being to a certain extent a Turkish employé, may be considered as not too ready to give credence to reports tending to the disparagement of the Ottoman troops.

He said he was sorry to have to inform me that a most atrocious and unnatural outrage had been perpetrated by twelve Turkish soldiers upon an old man and his wife; that the soldiers had, however, been arrested, and would be brought to justice.

I replied that I was also sorry to hear this, as I had always believed that the Turkish troops were kept too well in hand to render such an outrage possible.

Mr. Almond then assured me it was too true, and that the foreign Consuls were persuaded that the case was a genuine one.

Subsequently we entered a shop in Canea together, and as we were leaving the shopkeeper, alluding to the atrocity which had become the chief topic of conversation in the town, informed us that the soldiers had just been brought in from the country in custody.

So far the whole case seemed circumstantial enough.

However, the next day, Mr. Biliotti had occasion to visit the Vali, when I accompanied him, and on mentioning the case to his Excellency he asked us if we would care to examine the man upon whom the outrage was said to have been committed, as he had for some other reason been detained in custody and was to be released that afternoon.

Mr. Biliotti requested that the man might be sent to the British Consulate, and there, in the presence of several Cretan witnesses, he solemnly asserted that there was not a word of truth in the whole charge, which was entirely without foundation, and moreover, as regarded his wife, he declared that she had been bedridden for the last six months and had not been out of her own room.

Mr. Biliotti, in view of this case having most probably been telegraphed to Athens as another serious charge against the Turkish army of occupation, took the peasant who was supposed to have been ill-treated to the Greek Consul-General, who, after examining the man in our presence for some minutes, declared that the individual could not be speaking the truth, and requested that he might examine him in private.

Mr. Biliotti readily assented to this, and at the end of five minutes the Greek Consul-General returned quite convinced that the man was speaking the truth, and that the whole charge of atrocity had been trumped up.

If an utterly false charge of this nature can be made and firmly believed in within an hour's distance of the place where it was supposed to have been committed, and where every facility exists for the verification of the facts connected with the charge, it can readily be understood how easy it must be to circulate such stories in Greece or amongst that class of people who are always ready to believe that a Turkish soldier is incapable of anything but an evil action.

If all officials, before giving credence and circulation to such reports, would imitate the patient method of elucidating the truth adopted by Mr. Biliotti, there would be fewer of these random charges set on foot; but when it is known that any charge, however horrible, that is made against a Turkish soldier will be accepted without demur, it places a premium on the manufacture of atrocities; it is, however, a premium which must in the long run defeat its own object as certainly as the boy destroyed his own credibility by constantly reiterating the word "wolf."

I have arrived at Syra this afternoon.

I propose to coal, and learning from your telegram that Mr. Grant is on his way to join the ship from Malta, to leave for the Piræus as soon as he shall have arrived.

The health of the ship's company remains good.

I have, &c.

(Signed)

REGINALD CAREY BRENTON.

Sir E. Monson to the Marquis of Salisbury.—(Received March 3.)

(Telegraphic.)

Athens, March 3, 1890.

THE Cretan refugees held a mass meeting here yesterday, but no serious importance attaches to it, especially as the principal Chiefs abstained from attending. The meeting denounced Sir James Fergusson's statements in the House of Commons as being untrue, and the local press uses very strong language in repudiating the accounts given by him of the recent and present state of things in the island.

Sir E. Monson to the Marquis of Salisbury.—(Received March 5.)

(Telegraphic.)

Athens, March 5, 1890.

A SUPPLEMENTARY Notice was published yesterday by the Turkish Consul-General at the Piræus. The object of this Notice is to explain that all the refugees now in Greece, with the exception of sixteen, may safely return to Crete and will not be prosecuted; those who are liable to punishment for burning houses or destroying property will have to pay damages according to the decisions of the Special Commissions; those who are guilty of assault or of murder will be dealt with by the local Courts.

The Consul-General offers to apply for a special steamer if any large number of refugees are willing to return.

These Notices have not produced much effect, as the Cretans have hitherto shown no sign of wishing to profit by them.

UNITED STATES. No. 1 (1890).

EXTRADITION CONVENTION

BETWEEN

HER MAJESTY

AND THE

UNITED STATES OF AMERICA,

SUPPLEMENTARY TO THE XTH ARTICLE OF THE TREATY

BETWEEN THE SAME HIGH CONTRACTING PARTIES

OF

AUGUST 9, 1842.

Signed at Washington, July 12, 1889.

*Presented to both Houses of Parliament by Command of Her Majesty.
April 1890.*

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Extradition Convention between Her Majesty and the
United States of America, supplementary to the
Xth Article of the Treaty concluded between the
same High Contracting Parties on the 9th day of
August, 1842.

Signed at Washington, July 12, 1889.

[Ratifications exchanged at London, March 11, 1890.]

WHEREAS by the Xth Article of the Treaty concluded between Her Britannic Majesty and the United States of America on the 9th day of August, 1842, provision is made for the extradition of persons charged with certain crimes ;

And whereas it is now desired by the High Contracting Parties that the provisions of the said Article should embrace certain crimes not therein specified, and should extend to fugitives convicted of the crimes specified in the said Article and in this Convention ;

The said High Contracting Parties have appointed as their Plenipotentiaries to conclude a Convention for this purpose, that is to say :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland ; Sir Julian Pauncefote, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Honourable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States ;

And the President of the United States of America, James G. Blaine, Secretary of State of the United States ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :—

ARTICLE I.

The provisions of the said Xth Article are hereby made applicable to the following additional crimes :—

1. Manslaughter when voluntary.
2. Counterfeiting or altering money ; uttering or bringing into circulation counterfeit or altered money.
3. Embezzlement ; larceny ; receiving any money, valuable security, or other property, knowing the same to have been embezzled, stolen, or fraudulently obtained.
4. Fraud by a bailee, banker, agent, factor, trustee, or director or member or officer of any Company, made criminal by the laws of both countries.
5. Perjury, or subornation of perjury.
6. Rape ; abduction ; child-stealing ; kidnapping.
7. Burglary ; housebreaking or shopbreaking.
8. Piracy by the law of nations.
9. Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas, against the authority of the master ; wrongfully sinking or destroying a vessel at sea, or attempting to do so ; assaults on board a ship on the high seas, with intent to do grievous bodily harm.

10. Crimes and offences against the laws of both countries for the suppression of slavery and slave-trading.

Extradition is also to take place for participation in any of the crimes mentioned in this Convention or in the aforesaid Xth Article, provided such participation be punishable by the laws of both countries.

ARTICLE II.

A fugitive criminal shall not be surrendered, if the offence in respect of which his surrender is demanded be one of a political character, or if he proves that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

No person surrendered by either of the High Contracting Parties to the other shall be triable or tried, or be punished for any political crime or offence, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this Article, the decision of the authorities of the Government in whose jurisdiction the fugitive shall be at the time shall be final.

ARTICLE III.

No person surrendered by or to either of the High Contracting Parties shall be triable or be tried for any crime or offence committed prior to his extradition, other than the offence for which he was surrendered, until he shall have had an opportunity of returning to the country from which he was surrendered.

ARTICLE IV.

All articles seized which were in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offence charged, or being material as evidence in making proof of the crime or offence, shall, so far as practicable, and if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to the articles aforesaid shall be duly respected.

ARTICLE V.

If the individual claimed by one of the two High Contracting Parties, in pursuance of the present Convention, should also be claimed by one or several other Powers on account of crimes or offences committed within their respective jurisdictions, his extradition shall be granted to that State whose demand is first received.

The provisions of this Article, and also of Articles II to IV inclusive, of the present Convention, shall apply to surrender for offences specified in the aforesaid Xth Article, as well as to surrender for offences specified in this Convention.

ARTICLE VI.

The extradition of fugitives under the provisions of this Convention and of the said Xth Article shall be carried out in Her Majesty's dominions and in the United States, respectively, in conformity with the laws regulating extradition for the time being in force in the surrendering State.

ARTICLE VII.

The provisions of the said Xth Article and of this Convention shall apply to persons convicted of the crimes therein respectively named and specified, whose sentence therefor shall not have been executed.

In case of a fugitive criminal alleged to have been convicted of the crime for which his surrender is asked, a copy of the record of the conviction.

and of the sentence of the Court before which such conviction took place, duly authenticated, shall be produced, together with the evidence proving that the prisoner is the person to whom such sentence refers.

ARTICLE VIII.

The present Convention shall not apply to any of the crimes herein specified which shall have been committed, or to any conviction which shall have been pronounced, prior to the date at which the Convention shall come into force.

ARTICLE IX.

This Convention shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

It shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties, and shall continue in force until one or the other of the High Contracting Parties shall signify its wish to terminate it, and no longer.

In witness whereof, the Undersigned have signed the same, and have affixed thereto their seals.

Done in duplicate, at the City of Washington, this 12th day of July, 1889.

(L.S.)
(L.S.)

JULIAN PAUNCEFOTE.
JAMES G. BLAINE.

EXTRADITION CONVENTION between Her Majesty
and the United States of America, supplementary
to the Xth Article of the Treaty concluded
between the same High Contracting Parties on
the 9th day of August, 1842.

Signed at Washington, July 12, 1889.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. April 1890.*

CORRESPONDENCE

RESPECTING THE

BEHRING SEA SEAL FISHERIES:

1886-90.

*Presented to both Houses of Parliament by Command of Her Majesty.
August 1890.*

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Correspondence respecting the Behring Sea Seal Fisheries :
1886-90.

No. 1.

Colonial Office to Foreign Office.—(Received September 1.)

Sir,

Downing Street, September 1, 1886.

I AM directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a letter from the Admiralty, with its inclosure, respecting the alleged seizure of three British Columbian seal schooners by the United States' Revenue cruiser "Corwin."

I am to suggest, for the consideration of Lord Iddesleigh, that the matter should be brought before the United States' Government, with the view of obtaining further information on the subject.

I am, &c.
(Signed) R. H. MEADE.

Inclosure 1 in No. 1.

Admiralty to Colonial Office.

Sir,

Admiralty, August 26, 1886.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the perusal of the Secretary of State, a telegram which has been received from the Commander-in-chief on the Pacific Station, dated at Victoria, 24th instant, respecting the seizure of three British Columbian seal schooners by the United States' Revenue cruiser "Corwin."

I am, &c.
(Signed) R. D. AWDRY.

Inclosure 2 in No. 1.

[Rear-Admiral Sir M. Culme-Seymour to Admiralty.]

(Telegraphic.)

Victoria, August 24, 1886.

THREE British Columbian seal schooners seized [by] United States' Revenue cruiser "Corwin," Behring's Straits, seaward 70 miles from off the land [? in the execution of] killing female seals, and using fire-arms to do it, which they have done for three years without interference, although in company with "Corwin."

No. 2.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, September 9, 1886.

I TRANSMIT to you herewith a copy of a letter from the Colonial Office, and of its inclosure, respecting the alleged seizure of three British Columbian seal schooners by the United States' Revenue cruiser "Corwin,"* and I have to instruct you to address a

communication to the United States' Government asking to be furnished with any particulars which they may possess relative to this occurrence.

I am, &c.
(Signed) IDDESLEIGH.

No. 3.

Colonial Office to Foreign Office.—(Received September 27.)

Sir,

Downing Street, September 25, 1886.

WITH reference to the capture of Canadian sealing schooners in Behring's Sea by the United States' Revenue cruiser "Corwin," I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Idlesleigh, a telegram from the Officer administering the Government of the Dominion, together with a copy of a letter from the Admiralty, with its inclosures, on the subject.

I am to state that, in Mr. Stanhope's opinion, the case is one in which a protest should be made to the United States' Government, accompanied by a demand for compensation, and that Sir L. West might be instructed to make such protest and demand, if, upon inquiry, he ascertains that the United States' Government maintain the pretension raised by the seizure of these vessels on the high seas.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 3.

Administrator Lord A. E. Russell to Mr. Stanhope.

(Telegraphic.)

September 22, 1886.

THE Canadian schooners "Thornton," "Onward" and "Carolina" were seized on the 1st August in Behring's Sea by the United States' cutter "Corwin." The captain and mate of the "Thornton" were tried in the District Court of the United States at Sitka on the 30th August. It was attempted to show that the "Thornton" was seized for killing seal about 70 miles south-south-east of St. George's Island, within that portion of Behring's Sea ceded by Russia to the United States.

The Judge, in charging the jury, quoted Article I of the Treaty of the 30th March, 1867, between the United States and Russia, and affirmed that all waters within the boundary set forth in the Treaty to the western end of the Aleutian Archipelago and Islands were to be deemed American, and that the penalties of the Law against the killing of fur-bearing animals were to attach to its violation within the limits in question. The jury were told, if they believed the evidence as to the killing of any fur-bearing animals by the accused on the Alaskan coast or in Behring's Sea, east of the 193rd degree of west longitude, to find them guilty.

The prisoners were found guilty. The master of the "Thornton" was fined 500 dollars and sentenced to imprisonment for thirty days. The mate was fined 300 dollars and sentenced to thirty days' imprisonment. The officers of the other two vessels were also tried, and similar penalties imposed upon them.

The Government of Canada protests against the claim of the United States to the sole sovereignty over Behring's Sea, 700 miles east of the westerly boundary of Alaska, defined by the above-mentioned Article I of the Treaty of the 30th March, 1867, as contrary to the admitted principles of international law, and also in opposition to the United States' contention concerning common waters on the coast of the Atlantic.

It protests also against the unwarranted and arbitrary interference of the authorities of the United States with the peaceable and lawful occupation on the high seas of Canadian citizens, as well as against the forfeiture of their property and the indignity of imprisonment which have been imposed upon them. The foregoing facts have also been communicated to Sir Lionel West.

Inclosure 2 in No. 3.

Admiralty to Colonial Office.

Sir, *Admiralty, September 20, 1886.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, in original, for the perusal of the Secretary of State for the Colonies, a letter from the Commander-in-chief on the Pacific Station, dated the 25th August, respecting the seizure of three sealing schooners by the United States' Revenue cruiser "Corwin," on the plea of their killing female seals.

I am to request that these papers may be sent to the Foreign Office, to be returned to this Department when done with.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure 3 in No. 3.

Rear-Admiral Sir M. Culme-Seymour to Admiralty.

Sir, *"Triumph," at Esquimalt, August 25, 1886.*

IN confirmation of my telegram of the 23rd instant, I have the honour to inform you of the particulars, as far as I can at present ascertain them, of the seizure of the three sealing schooners by the United States' Revenue cruiser "Corwin," a small screw steamer.

The schooners are:—

"Thornton," auxiliary screw, 22 tons, Captain J. D. Warren, owner.

"Carolina," sailing, 32 tons, William Munsie, owner.

"Onward," sailing, 35 tons, W. Spring, owner.

All belonging to Victoria, British Columbia.

The schooner which was seized nearest to land was 50 miles from St. George Island, the other two rather further off. All three were towed by the "Corwin" to Ounalaska, the captain and one man retained on board, and the remainder of the crew sent to San Francisco by a steamer going there, when they were set free, and sent on here at the expense of the owners, arriving on the night of the 22nd instant.

Their arrival at San Francisco was the first we heard of the schooners being seized.

Nothing has been disturbed on board the schooners, except that the arms and ammunition have been seized, and sufficient provision for the crew on their passage to San Francisco taken.

2. There are ten other sealing schooners from Victoria in the Behring's Sea. The season is from about the 1st July to the end of August. If not seized, they are probably on their way here, and may be expected to arrive the middle of September. The question of whether they should be protected or not does not, therefore, at present arise.

Last year there were two schooners from here in the Behring's Sea, and I am assured the "Corwin" spoke them four or five times without interfering.

In 1884 only one schooner was there. The success of these has caused thirteen to be fitted out this season.

3. I inclose copies of the following as bearing on the subject:—

(1.) Letter from captain of "Thornton" to owner.

(2.) Letter from captain of "Carolina" to owner.

(3.) Letter from Mr. Boutwell, Secretary United States' Treasury.

(4.) A warning published in San Francisco papers and copied into British Columbian papers.

(5.) Letter and telegrams between Mr. Lubbe and Mr. Crow-Baker, M.P. for Victoria.

(6.) A letter from the American newspaper "Oregonian."*

I had hoped to have inclosed a copy of the lease from the United States to the Alaska Commercial Company, and a copy of the depositions of the crews on arrival at Victoria, but the only copy of the lease in Victoria, as also the depositions, have been taken away by the Honourable G. E. Foster, Canadian Minister of Marine and Fisheries, who was here on the 23rd, and left yesterday morning. I have telegraphed to him for copies, and will forward them as soon as received.

* Not printed.

4. I would call attention to the Treaty concerning the cession of the Russian possessions in North America to the United States, concluded 30th March, 1867, as also to the Convention between Great Britain and Russia, signed 16th (28th) February, 1825, and beg to make the following observations:—

An American Company, called the "Alaska Commercial Company," have a lease from the United States, dated 1870, of the Islands of St. Paul and St. George for twenty years, with the right to kill 100,000 seals annually on the islands and "waters adjacent." A United States' officer is stationed on these islands to see the terms of the lease properly carried out, and the "Corwin" is also there for this purpose. By the terms of the lease, fire-arms are not to be used to kill the seals, nor may female seals or seals under one year old be killed.

5. It would appear by Inclosure No. 4* that the United States claim the whole of the Behring's Sea, bounded on the south by the Aleutian Islands, and, as laid down in the Treaty of 1867, as American territory. It would seem impossible to sustain this, for it would appear to be the "high sea," and not Russia's to cede, and this line mentioned in the Treaty only meant to include the islands within it, and not the sea.

I beg to draw special attention to the letter from Mr. Boutwell in 1872 (Inclosure No. 3).† Mr. Boutwell was then the United States' Secretary to the Treasury, and he distinctly states his Government could not interfere beyond a marine league from the shore. Mr. Boutwell was, I am told, greatly instrumental in procuring the lease of St. Paul and St. George for the Alaska Commercial Company, and was therefore interested in excluding sealing vessels from the Behring's Sea.

6. I may mention that female seals cannot be distinguished from males when killed asleep on the water at sea; the seals killed by the Alaska Commercial Company are all clubbed on land, when the difference of sex can be easily seen; but that does not really affect the question as I view it, which is simply whether the Behring's Sea is the "high sea," or not. If, as I take it, Behring's Sea is the "high sea," I presume no vessel fishing there can be legally interfered with.

7. The "San Diego" referred to in Inclosures 1 and 2‡ is an American schooner, and was taken and confiscated, I am informed, for landing and killing 500 seals on land, contrary to United States' law.

8. Inclosure 5,§ from a gentleman in Victoria interested in sealing, and the telegraphic answers, show that the owners of the schooners sent them up with their eyes open, and were aware they ran a risk of being seized.

9. Inclosure 6¶ is a letter in an American newspaper, the "Oregonian," published at Portland, Oregon, and shows the view taken by many Americans on the subject.

I have, &c.

(Signed) M. CULME-SEYMOUR.

P.S. *Port Moody, August 27, 1886.*—The depositions alluded to having just arrived, I inclose them.

M. C-S.

Inclosure 4 in No. 3.

Captain H. Guttermann [?] to Captain J. D. Warren.

Sir, *Schooner "Thornton," in Port Ilioluk, Ounalaska, August 7, 1886.*
AS this is my first opportunity to let you know that on the 1st August at 6 P.M.—my position 55° 45' north latitude, 168° 44' west longitude—having on board 403 seal-skins, all well on board, when United States' Revenue cutter "Corwin" placed an officer on board, took arms and ammunition, took us in tow. At 8 P.M. stopped and took schooner "Carolina" in tow.

August 2 at 6 A.M. stopped and took schooner "Onward. At noon latitude 54° 30', longitude 167° 18'. At 8:40 P.M. brought us to anchor in above-mentioned port; took all the boats from the schooner; put a watchman on board from the cutter.

August 3. At 9 A.M. an officer from the cutter came on board and took the ship's papers.

August 4. An officer from the cutter returned one boat, and gave four of the crew liberty to go on shore from 8 A.M. to 8 P.M., at the discretion of me.

* See Inclosure 7 in No. 3.

§ See Inclosure 8 in No. 3.

† See Inclosure 6 in No. 3.

‡ See Inclosure 9 in No. 3.

¶ See Inclosure 9 in No. 3.

August 5. Nothing done to remark.

August 6. Ditto.

August 7. At 9 A.M. an officer from the cutter came on board ; took some provisions from the schooner. At 3 P.M. took ten men, and are going to be sent to San Francisco immediately with steamer "San Paule," as leaves just now.

"San Diego" is seized and stripped here.

I have put in my protest.

My latest news from the rest of Victoria schooners is "doing well." I know not more just now, and remain, yours, &c.

(Signed) H. GUTTERMANN [?].

My protest is as follows :—

"I, H. Gutterman [?], master of British schooner 'Thornton,' do hereby declare that I do not know wherein I have violated the laws of the United States or other nations in taking seals beyond the usual limit of 3 leagues [? miles] from shore within Behring's Sea, and I therefore enter this my solemn protest against the action of the United States' authorities in seizing this the vessel under my command, together with the seal-skins composing cargo."

(Excuse haste.)

H. G.

Inclosure 5 in No. 3.

Captain J. Ogilvie to Mr. W. Munsie.

Dear Sir,

Ounalaska, August 6, 1886.

THE United States' steamer "Corwin" boarded and took charge of the schooner in latitude 55° 50' north, longitude 168° 53' west. They took all the fire-arms from the schooner. I asked why they did so. They said for killing female seals and carrying fire-arms. They towed the "Thornton" and "Onward" in at the same time. I have got 686 seal-skins on board, "Thornton" 401, "Onward" 700. I have heard nothing of the "Pathfinder" in the Behring's Sea ; she was seen off Sitka coming up. It was on the 1st August, at 6 P.M., they took charge of the schooner.

The American schooner "San Diego" is in here, they are taking all her skins and sails on shore ; 500 skins.

Your, &c.

(Signed) JAMES OGILVIE.

Inclosure 6 in No. 3.

Mr. Boutwell to Mr. Phelps.

Sir,

Treasury Department, Washington, April 19, 1872.

YOUR letter of the 25th ultimo was duly received, calling the attention of the Department to certain rumours circulating in San Francisco to the effect that expeditions are to start from Australia and the Hawaiian Islands to take fur-seals on their annual migration to the Islands of St. Paul and St. George, through the narrow pass of Unmark. You recommend, to cut off the responsibility of evil resulting to the interest of the United States from these expeditions, that a Revenue cutter be sent to the region of Unmark Pass, by the 16th May next. A very full conversation was had with Captain Bayant upon this subject while he was at the Department, and he convinced it to be entirely impracticable to make such an expedition a paying one, inasmuch as the seals go singly or in pairs, and not in droves, and cover a large region of water in their homeward travel to these islands, and he did not seem to fear that the seals would be driven from their accustomed resorts, even were such attempts made.

In addition, I do not see that the United States would have the jurisdiction or power to drive off parties going up there for that purpose, unless they made such attempt within a marine league of the shore.

As at present advised, I do not think it expedient to carry out your suggestion, but I will thank you to communicate to the Department any further facts or information you may be able to gather upon the subject.

I am, &c.

(Signed) GEO. S. BOUTWELL, *Secretary.*

Inclosure 7 in No. 3.

Extract from the "Daily British Colonist" of April 6, 1886.

ALASKA SEAL CATCHING.—The story goes that some poachers were fitting out in San Francisco to kill seals on the Federal preserves in Alaskan waters. To warn all such parties Secretary Manning addressed the following note to Collector Hager:—

"Sir, *Treasury Department, March 16, 1886.*
 "I transmit herewith, for your information, a copy of a letter addressed by the Department on the 12th March, 1881, to D. A. D'Ancona, concerning the jurisdiction of the United States in the waters of the Territory of Alaska, and the prevention of the killing of fur-seals and other fur-bearing animals within such areas, as prescribed by Chapter 5, Title 23 of the Revised Statutes. The attention of your predecessor in office was called to this subject on the 4th April, 1881. This communication is addressed to you, inasmuch as it is understood that certain parties at your port contemplate the fitting out of expeditions to kill fur-seals in these waters. You are requested to give due publicity to such letters, in order that such parties may be informed of the construction placed by this Department upon the provision of law referred to.

"Respectfully yours,
 (Signed) "D. MANNING, *Secretary.*

"Collector of Customs, San Francisco."

Upon reference to back files we find the full explanation of this note in the letter referred to, which is as follows:—

"Sir, *Treasury Department, March 12, 1881.*
 "Your letter of the 19th ultimo, requesting certain information in regard to the meaning placed by this Department upon the Law regulating the killing of fur-bearing animals in the Territory of Alaska, was duly received.
 "The Law prohibits the killing of any fur-bearing animals, except as otherwise therein provided, within the limits of Alaska Territory, or in the waters thereof, and also prohibits the killing of any fur-seals on the Islands of St. Paul and St. George, or in the waters adjacent thereto, except during certain months.

"You inquire in regard to the interpretation of the terms 'waters there' and 'waters adjacent thereto,' as used in the Law, and how far the jurisdiction of the United States is to be understood as extending:

"Presuming your inquiry to relate more especially to the waters of Western Alaska, you are informed that the Treaty with Russia of the 30th March, 1870,* by which the Territory of Alaska was ceded to the United States, defines the boundary of the territory so ceded. This Treaty is found on pp. 671 to 673 of the volume of Treaties of the Revised Statutes. It will be seen, therefore, that the limit of the cession extends from a line starting from the Arctic Ocean, and running through Behring's Strait to the north of St. Lawrence Islands.

"The line runs thence in a south-westerly direction, so as to pass midway between the Island of Attou and Copper Island of the Kormansborski Couplet or Group of the North Pacific Ocean, to meridian of 173° west longitude. All the waters within that boundary to the western end of the Aleutian Archipelago and chain of islands are considered as comprised within the waters of Alaska Territory.

"All the penalties prescribed by law against the killing of fur-bearing animals would therefore attach against any violation of law within the limits before described.

"Very respectfully,
 (Signed) "H. F. FRENCH, *Acting Secretary.*

"D. A. D'Ancona,
 717, O'Farrell Street, San Francisco, California."

All parties are warned that the rule laid down by the Secretary of the Treasury of the United States in 1881, and reaffirmed in the note of Secretary Manning to the Collector of this port of date of the 16th March, 1886, will be rigidly enforced against all who attempt to poach upon the Federal preserve by killing seals within its limits, there laid down and defined, in the waters of Alaska. From that preserve the Federal Government derives revenue, and its lessee is entitled to the protection proffered by the note of the Secretary referred to.

Inclosure 8 in No. 3.

Mr. F. Lubbe to Mr. E. Crow-Baker, M.P.

Dear Sir,

Victoria, British Colombia, March 30, 1886.

THE inclosed clipping explains itself.

The question I wish to ask you is, Can the United States claim the easterly half of Behring's Sea as American waters?

The British schooners "Mary Ellen," "Favourite," "Onward," "Grace," "Dolphin," "Anna Beck," "Wm. P. Sayward," "Mary Taylor," "Carolina," "Alfred Adams," and "Active" intend to follow the seals into Behring's Sea at the end of the seal-fishing season off the British Columbia coast, say the 20th May next. These schooners would spear and shoot seals upon the high seas, and have no occasion to go within 30 miles of any land. You are aware that the British schooner "Mary Ellen" has already made two successful voyages to the Behring's Sea; the "Favourite" made also a successful voyage during 1885. Both these vessels were spoken by an American Revenue cruiser in Behring's Sea last summer, but not in any way molested.

Would it not be well for you to obtain from the Minister of Marine in Ottawa a written opinion, and, further, would you be good enough to communicate to me the substance of such opinion by wire?

Please act promptly, and oblige yours, &c.

(Signed) F. LUBBE.

Warning to Seal Hunters.

The Treasury Department, having become informed that certain parties are fitting out expeditions for the purpose of killing fur-seals and other fur-bearing animals in Alaska waters, gives the following information to parties concerned, as to how far the jurisdiction of the United States extends in the matter.

The Treaty with Russia of the 30th March, 1870, by which the Territory of Alaska was ceded to the United States, defines the boundary of the territory so ceded. It will be seen therefrom that the limit of the cession extends from a line starting from the Arctic Ocean and running through Behring's Straits to the north of St. Lawrence Islands. The line runs thence in a south-westerly direction, so as to pass midway between the Island of Attou and Cooper Island, of the Kromanboski couplet or group, in the North Pacific Ocean, to meridian 173° west longitude. All the waters within that boundary to the western end of the Aleutian Archipelago and chain of islands are considered as comprised within the waters of Alaska Territory.

All the penalties prescribed by law against the killing of fur-bearing animals would therefore attach against any violation of law within the limits described.

Mr. A. Crow-Baker to Mr. F. Lubbe.

(Telegraphic.)

April 20.

Your matter progressing expeditiously as possible. Referred by Council to Minister Justice. Will advise you when decision is reached.

Mr. E. C. Rowbotham to Mr. F. Lubbe.

(Telegraphic.)

May 30.

Minister Justice gives opinion in your favour and against American contention. He has recommended attention of Imperial Government being called to the subject in order that views of Canadian Government be then sustained and enforced.

Inclosure 9 in No. 3.

Declarations.

I, WILLIAM MUNSIE, of Victoria, grocer, do solemnly and sincerely declare that I am sole owner of the schooner "Carolina," and she has a Canadian register, having been registered at the port of Victoria. The vessel and her outfit at the time she left for

Behring's Sea was 7,000 dollars, and I make this solemn declaration, conscientiously believing the same to be true, by virtue of the Act passed in the 37th year of Her Majesty's reign, intituled "An Act for the Suppression of Voluntary and Extra-judicial Oaths."

(Signed) WM. MUNSIE.

Taken and declared before me at Victoria, this 23rd August, 1886.

(Signed) M. W. TYRWHITT DRAKE, J.P.

I, Thomas McLaedy, of Victoria, British Columbia, cook, do solemnly and sincerely declare that I was engaged as cook on board the British schooner "Carolina," and I was on board when the United States' steamer "Corwin" seized her. During the whole time the said schooner was sealing she never sighted land once. After she was seized the "Corwin" took her in tow about 6 o'clock in the evening, and about 3 o'clock in the morning the English schooner "Onward," of the tonnage 35.20 tons, was also seized and taken in tow to Ounalaska. Her crew were left on board and not removed to San Francisco; she had seal-skins on board. And I make this solemn declaration, conscientiously believing the same to be true, by virtue of the Act passed in the 37th year of Her Majesty's reign, intituled "An Act for the Suppression of Voluntary and Extra-judicial Oaths."

(Signed) T. McLAEDY.

Taken and declared before me this 23rd August, 1886, at Victoria, British Columbia.

(Signed) M. W. TYRWHITT DRAKE, J.P.

I, Edward Shields, of Sooke District, Vancouver Island, a hunter, engaged on board the British schooner "Carolina," of 31.90 registered tonnage, do solemnly and sincerely declare that I left Victoria on board the aforesaid schooner on the 20th May, 1886, bound on a voyage to Behring's Sea for the purpose of sealing. The schooner was fitted out for this purpose. She had eleven hands on board, including the master, by name James Ogilvie. We sailed to Behring's Sea and commenced sealing on the 15th June, and at that time we were about 300 miles from land, and we continued cruising about for seals, and up to the time the United States' vessel "Corwin" seized us we had 686 seals. During the whole time we were cruising about we were in the open sea, out of sight of any land. The seals we obtained were chiefly females. At the time the "Corwin" seized us on the 1st August we were out of sight of land and in latitude 55° 50' north, longitude 168° 53' west, as I was informed and verily believe. There were other vessels, both American and English, cruising about in the same neighbourhood. We never killed a seal in the neighbourhood of the Aleutian Islands. I was away in the boats when the "Corwin" seized the vessel, and when I came back I found the "Carolina" in tow of the "Corwin." The captain of the "Corwin," Abbey by name, took away all the fire-arms, consisting of rifles and shot-guns, ten in all, and I was taken to Ounalaska, and from there I was taken to San Francisco by the steamer "St. Paul," and there turned adrift. The "Carolina" was left at Ounalaska with the seals and outfit, and I make this solemn declaration, conscientiously believing the same to be true, by virtue of the Act passed in the 37th year of Her Majesty's reign, intituled "An Act for the Suppression of Voluntary and Extra-judicial Oaths."

(Signed) EDWARD SHIELDS.

Taken and declared before me at Victoria, this 23rd day of August, 1886, in due form of law.

(Signed) M. W. TYRWHITT DRAKE, J.P.

I, John Dallas, of Victoria, British Columbia, seaman, do solemnly and sincerely declare that I was engaged about the end of May 1886 as a seaman on board the schooner "Thornton," of 2230 registered tonnage, registered in the Dominion of Canada as a British vessel. I was engaged sealing on the west coast of Vancouver Island, and when the seals got scarce the "Thornton" left [? Clayoquot] Vancouver Island, for Behring's Sea about beginning of June, and three days after passing Unmark Pass we killed our first seal, being then about 250 miles from land. We were engaged sealing in the open sea until the 1st August. We had a little over 400 skins on board, when the United States' steamer "Corwin" seized our vessel and took her to Ounalaska. They were about twenty-eight hours engaged in towing us to Ounalaska. The master of the "Corwin" removed all our guns and ammunition—ten guns in all. There were fourteen hands on board the "Thornton" altogether, including two Indians, nine white men, and a Chinese cook—were sent to San Francisco and there discharged. Two white men and two Indians were left on board the schooner at Ounalaska. We were 5 or 6 miles from the "Carolina" at the time we were seized. I saw no other vessels in sight at the time. We were never in sight of land during the whole time we were sealing. And I make this declaration, conscientiously believing the same to be true, by virtue of the Act passed in the 37th year of Her Majesty's reign, intituled "An Act for the Suppression of Voluntary and Extra-judicial Oaths."

(Signed) JOHN DALLAS, his X mark.

Taken and declared before me at Victoria, this 23rd day of August, 1886, the same having been first read over to him.

(Signed) M. W. TYRWHITT DRAKE, J.P.

No. 4.

Sir L. West to the Earl of Iddesleigh.—(Received October 4.)

My Lord,

Washington, September 21, 1886.

THE reported seizure of British vessels by American cruisers in waters over which it appears the United States' Government claim jurisdiction as adjacent to the Territory of Alaska has given rise to much comment in the newspapers touching the interests of a powerful commercial Company which may be affected by the international questions arising therefrom; and in this connection I have the honour to inclose to your Lordship herewith a précis of the history of the origin of this Company, as well as of what has been written on the subject.

Chapter 3 of the Revised Statutes of the United States (p. 342, sections 1954 to 1976 inclusive) contains the "provisions relating to the unorganized Territory of Alaska;" and section 1954 extends "the laws of the United States to and over all the mainland, islands, and waters of the territory" ceded by Russia to the United States by the Treaty of 1867.

In addition the lease of the Government Seal Islands the Alaska Company holds as well leases of certain islands from the Russian Government, so that in fact it may be said to monopolize the seal fur trade in these waters.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 4.

History of the Origin of the Alaska Commercial Company.

THE transfer of the Territory of Alaska to the United States' Government, in compliance with the terms of the Treaty of Purchase between the two Governments, included the transfer of all the Russian Government property, such as public buildings at Sitka, Governor's house, Custom-house, hospital, and wharves, &c. There were, however, certain buildings reserved as the property of the Russian Fur Company, and as General Rousseau, the United States' Commissioner, could not, in his official capacity, take any active or open part in its disposal, Prince Matsukoff, the Russian Governor, concluded a bargain with Mr. Hutchinson, who accompanied General Rousseau as his Private Secretary. This bargain included all the property of the Russian Fur Company and

seal-skins stored. It was made on private terms and to the exclusion of the stockholders of the Russian Company and the American officers stationed at Sitka, who claimed that they were entitled to a share of the spoils.

By virtue of this bargain with Prince Matsukoff, who was Governor of the Company, Mr. Hutchinson proposed to take possession of the fur trade of Alaska and the Seal Islands, and left for Victoria (British Columbia) and San Francisco to make the necessary arrangements. At the former place he met with a Mr. Kohl, owner of a British steamer called the "Fidelitor," with whom he entered into partnership, and the firm still exists under the name of Hutchinson, Cole, and Co. The steamer obtained an American register under the plea that she was a Russian vessel at the time of the transfer of the territory to the United States, and was thus enabled to carry on the coasting trade. Preparations were made in 1868 for working the fur trade of the newly-acquired possession, and especially for the occupation of the Pribylov Islands, to which, by virtue of the arrangements with Prince Matsukoff, the new Company considered they had an exclusive right. Upon their arrival there, however, they found them occupied by experienced sealers from New London and Stonington (Connecticut) under one Captain Morgan. A fight for possession seemed imminent, but a division of the season's catch was finally agreed upon. While the two parties were thus amicably at work, M. Pflugel, Russian Vice-Consul at Honolulu, arrived at the head of an expedition, believing that he should find the islands unoccupied, but was eventually forced to retire before the combined forces of Captain Morgan and Mr. Hutchinson. It now became obvious that the Government must take means to preserve these valuable seal rookeries, and in the winter of 1868 an Act of Congress was passed, the conditions for permission to take seals being, however, reserved for future Congressional action. The coalition between Hutchinson and Morgan still continued, and finally led to the organization of the powerful and wealthy Alaska Commercial Company. Since 1870 this Company has controlled the entire fur trade of Alaska, and by virtue of its alliances with the lessees of the Russian Seal Islands, controls the valuable fur-seal trade of the world. With strong political influence in the Congress of 1876, it obtained a lease of the Pribylov Islands for twenty years at a rental of 55,000 dollars a-year, and a royalty of 2 dol. 62 c. per skin, the take to be limited to 100,000 skins a-year. It is calculated that the Company pays annually 315,000 dollars to the United States' Treasury, which, after paying all the expenses of the Territory, yields more than 4 per cent. per annum on the purchase-money paid to Russia for Alaska.

To preserve this revenue through future years the protection of the seals from illegal capture or disturbance on their annual visits to the islands has been deemed an absolute necessity, and hence the prohibition against approaching or landing on the islands and the vigilance of the United States' cruisers in the Behring's Sea. It is not, however, generally understood that the Alaska Company controls the fur trade of all the mainland and islands of Alaska lying west of the 141st meridian of west longitude, and that its operations over this vast extent of territory and coast are entirely distinct from, and have no connection with, its exclusive control of the Seal Islands, which it holds by virtue of its lease from the United States' Government.

Outside of these islands it holds no exclusive rights or franchise from the Government, nor does it pay any rent or royalty to the Government on the territory it occupies or the furs it procures from the natives. It has no rights over any other citizen or company of citizens who may desire to trade in competition with it, and yet it has been aided by the Revenue Marine in suppressing competition from rival traders, for it appears that, under instructions from the Treasury Department, the Revenue cruisers board and examine every trading-vessel sighted in the Behring's Sea or on the north-west coast of Alaska, except the vessels of the Company. If a pretext can be found, an officer is placed on board with instructions to take the vessel to Ounalaska and discharge her cargo. She is then sent to San Francisco, where the United States' Marshal finds that there is no cause for condemnation, and, as the object of breaking up her voyage has been gained, she is released and restored to her owners. The vessels subjected to this treatment come from British Columbia and Japan, and are, it is said, fitted out for contraband trade.

Washington, September 1886.

No. 5.

Sir L. West to the Earl of Iddesleigh.—(Received October 4.)

My Lord,

Washington, September 21, 1886.

WITH reference to my preceding despatch, I have the honour to inclose to your Lordship herewith copies of correspondence, as published in the newspapers, relative to the seizure of British sealers in Alaska waters.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 5.

Extract from the "New York Herald" of September 21, 1886.

THE BRITISH SEALERS—OFFICERS OF SOME OF THE TRESPASSING SCHOONERS FINED
AND IMPRISONED.

Washington, September 20, 1886.

ACTING SECRETARY FAIRCHILD has received a telegram from Captain Abbey, commanding the Revenue steamer "Corwin," dated at Nanaimo, British Columbia, which is as follows:—

"Respectfully report 'Corwin' here at request of Governor Swineford and Judge Dawson. Have brought here twenty-two British seamen, released from seized sealers. Am to land remaining released American seamen at Port Townsend. Masters and mates of the seized craft have been convicted and sentenced to fines or imprisonment, or both. I made full depositions for libel suits before leaving Sitka."

Despatches have been received at the Navy Department from Lieutenant-Commander Nichols, commanding the "Pinta," from Sitka, Alaska, relating to the seizure of the British sealers. In the despatch dated the 28th August he says:—

"On the 24th instant the Revenue steamer 'Corwin' came in, bringing the American vessel 'San Diego,' of San Francisco, seized for catching seals unlawfully. She also reported the seizure of three English schooners for the same offence. The latter were left at Ounalaska in charge of the United States' Deputy Marshal, the officers, crews, and cargoes being brought here. A large quantity of arms and ammunition was also seized. The matter comes up before the District Court here next week, and it is probable that interesting international questions will come up, as well also as the jurisdiction of the United States over the entire seas in the Arctic and Behring's Seas east of the boundary-line."

In a despatch dated the 2nd September he says that two of the cases have been disposed of as follows:—

"The captain and mate of the British schooner 'Thornton' were tried by jury, found guilty, and sentenced each to imprisonment for thirty days and fined, the captain 500 dollars and the mate 300 dollars. The captain and mate of the American schooner 'San Diego' waived a jury, and were tried before the Court. Both were found guilty and sentenced, the captain to two months' imprisonment, and the mate to one month's imprisonment.

"The cases of the two other British schooners will come up in a day or two. The captain of one of them has disappeared, and, it is supposed, has committed suicide."

From an inclosure in one of these despatches it is learned that the "Corwin," when conveying her prizes to port, sighted five other vessels, all doubtless engaged in unlawful sealing. They made sail with all possible haste as soon as the Revenue vessel was sighted, and the latter was unable to follow them without abandoning her prizes.

No. 6.

Admiralty to Foreign Office.—(Received October 11.)

Sir,

Admiralty, October 7, 1886.

WITH reference to my letters of the 26th August and the 20th September,* relative to the seizure of British Columbian sealing schooners, I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the perusal of the Secretary of State for Foreign Affairs, copy of an Act to prevent the extermination of fur-bearing animals in Alaska, together with copy of the lease of the United States to the Alaska Commercial Company to take fur-seals in the Territory of Alaska.

A similar letter has been sent to the Colonial Office.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 6.

Public No. 120.

An Act to prevent the Extermination of Fur-bearing Animals in Alaska.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled that it shall be unlawful to kill any fur-seal upon the Islands of St. Paul and St. George, or in the waters adjacent thereto, except during the months of June, July, September, and October in each year, and it shall be unlawful to kill such seals at any time by the use of fire-arms, or use other means tending to drive the seals away from said islands.

Provided that the natives of said islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing during other months, and also such old seals as may be required for their own clothing and for the manufacture of boats for their own use, which killing shall be limited and controlled by such Regulations as shall be prescribed by the Secretary of the Treasury.

Section 2. And be it further enacted, that it shall be unlawful to kill any female seal, or any seal less than one year old at any season of the year except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to the said islands, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and any person who shall violate either of the provisions of this or the first section of this Act shall be punished on conviction thereof for each offence by a fine of not less than 200 dollars, nor more than 1,000 dollars, or by imprisonment not exceeding six months, or by such fine and imprisonment both at the discretion of the Court having jurisdiction, by taking cognizance of the offence; and all vessels, their tackle, apparel, and furniture, whose crew shall be found engaged in the violation of any of the provisions of this Act, shall be forfeited to the United States.

Sec. 3. And be it further enacted, that for the period of twenty years from and after the passage of this Act the number of fur-seals which may be killed for their skins upon the Island of St. Paul is hereby limited and restricted to 75,000 per annum; and the number of fur-seals which may be killed for their skins upon the Island of St. George is hereby limited and restricted to 25,000 per annum. Provided that the Secretary of the Treasury may restrict and limit the right of killing if it shall become necessary for the preservation of such seals, with such proportionate reduction of the rents reserved to the Government as shall be right and proper, and if any person shall knowingly violate either of the provisions of this section, he shall, upon due conviction thereof, be punished in the same way as provided herein for a violation of the provisions of the first and second sections of this Act.

Sec. 4. And be it further enacted, that immediately upon the passage of this Act the Secretary of the Treasury shall lease, for the rental mentioned in section 6 of this Act, to proper and responsible parties, to the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, the parties heretofore engaged in trade, and the protection of the seal fisheries, for a term of twenty

* See Inclosure 1 in No. 1, and Inclosure 2 in No. 3.

years from the 1st day of May, 1870, the right to engage in the business of taking fur-seals on the Islands of St. Paul and St. George, and to send a vessel or vessels to said islands for the skins of such seals, giving to the lessee or lessees of said islands a lease, duly executed, in duplicate, not transferable, and taking from the lessee or lessees of said islands a bond, with sufficient sureties, in a sum not less than \$500,000-dollars, conditioned for the faithful observance of all the laws and requirements of Congress, and of the Regulations of the Secretary of the Treasury touching the subject-matter of taking fur-seals and disposing of the same, and for the payment of all taxes and dues accruing to the United States connected therewith; and in making said lease the Secretary of the Treasury shall have due regard to the preservation of the seal-fur trade of said islands, and the comfort, maintenance, and education of the natives thereof. The said lessees shall furnish to the several masters of vessels employed by them certified copies of the lease held by them respectively, which shall be presented to the Government Revenue-officer for the time being who may be in charge at the said islands as the authority of the party for landing and taking skins.

Sec. 5. And be it further enacted, that at the expiration of said term of twenty years, or on surrender or forfeiture of any lease, other leases may be made in manner aforesaid for other terms of twenty years; but no person other than American citizens shall be permitted by lease or otherwise to occupy said islands or either of them, for the purpose of taking the skins of fur-seals therefrom, nor shall any foreign vessel be engaged in taking such skins, and the Secretary of the Treasury shall vacate and declare any lease forfeited if the same be held or operated for the use, benefit, or advantage, directly or indirectly, of any person or persons other than American citizens. Every lease shall contain a covenant on the part of the lessee that he will not keep, sell, furnish, give, or dispose of any distilled spirits or spirituous liquors on either of the said islands to any of the natives thereof, such person not being a physician and furnishing the same for use as medicine: and any person who shall kill any fur-seal on either of the said islands, or in the waters adjacent thereto, without authority of the lessees thereof, and any person who shall molest, disturb, or interfere with said lessees, or either of them, or their agents or employes, in the lawful prosecution of their business, under the provisions of this Act shall be deemed guilty of a misdemeanour, and shall for each offence, on conviction thereof, be punished in the same way and by like penalties as prescribed in the 2nd section of this Act; and all vessels, their tackle, apparel, appurtenances, and cargo, whose crews shall be found engaged in any violation of either of the provisions of this section, shall be forfeited to the United States; and if any person or Company, under any lease herein authorized, shall knowingly kill, or permit to be killed, any number of seals exceeding the number for each island in this Act prescribed, such person or Company shall, in addition to the penalties and forfeitures aforesaid, also forfeit the whole number of the skins of seals killed in that year, or, in case the same have been disposed of, then said parties or Company shall forfeit the value of the same; and it shall be the duty of any Revenue officer, officially acting as such on either of said islands, to seize and destroy any distilled spirits or spirituous liquors found thereon, provided that such officer shall make detailed report of his doing so to the Collector of the port.

Sec. 6. And be it further enacted, that the annual rental to be reserved by said lease shall not be less than 50,000 dollars per annum, to be secured by deposit of United States' bonds to that amount, and in addition thereto a revenue tax as duty of 2 dollars is hereby laid upon each fur-seal skin taken and shipped from said islands during the continuance of such lease to be paid into the Treasury of the United States; and the Secretary of the Treasury is hereby empowered and authorized to make all needful Rules and Regulations for the collection and payment of the same, for the comfort, maintenance, education, and protection of the natives of said islands, and also for carrying into full effect all the provisions of this Act. Provided, further, that the Secretary of the Treasury may terminate any lease given to any person, Company, or Corporation on full and satisfactory proof of the violation of any of the provisions of this Act, or the Rules and Regulations established by him. Provided, further, that the Secretary of the Treasury is hereby authorized to deliver to the owners the fur-seal skins now stored on the islands, on the payment of 1 dollar for each of said skins taken and shipped away by said owners.

Sec. 7. And be it further enacted, that the provisions of the 7th and 8th sections of "An Act to extend the Laws of the United States relating to Customs, Commerce, and Navigation over the Territory ceded to the United States by Russia, to establish a Collection District thereon, and for other purposes," approved 27th July, 1868, shall be deemed to apply to this Act, and all prosecutions for offences committed against the provisions of this Act, and all other proceedings had because of the violations of the provisions of this Act, and which are authorized by said Act above mentioned, shall be in

accordance with the provisions thereof, and all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Sec. 8. And be it further enacted, that the Congress may at any time hereafter alter, amend, or repeal this Act.

Approved 1st July, 1870.

Inclosure 2 in No. 6.

Mr. Boutwell to Mr. Phelps, April 19, 1872.

[See Inclosure 6 in No. 3.]

Inclosure 3 in No. 6.

Lease of the United States to the Alaska Commercial Company to take Fur Seals in the Territory of Alaska.

THIS indenture, in duplicate, made this 3rd day of August, A.D. 1870, by and between William A. Richardson, Acting Secretary of the Treasury, in pursuance of an Act of Congress, approved the 1st July, 1870, entitled "An Act to prevent the Extermination of Fur-bearing Animals in Alaska," and the Alaska Commercial Company, a Corporation duly established under the laws of the State of California, acting by John F. Miller, its President and Agent, in accordance with a Resolution of said Corporation duly adopted at a meeting of its Board of Trustees, held the 31st January, 1870,

Witnesseth:—

That the said Secretary hereby leases to the said Alaska Commercial Company, without power of transfer, for the term of twenty years from the 1st day of May, 1870, the right to engage in the business of taking fur-seals on the Islands of St. George and St. Paul, within the Territory of Alaska, and to send a vessel or vessels to said islands for the skins of such seals.

And the said Alaska Commercial Company, in consideration of their right under this lease, hereby covenant and agree to pay for each year during said term, and in proportion during any part thereof, the sum of 55,000 dollars into the Treasury of the United States, in accordance with the Regulations of the Secretary, to be made for this purpose under said Act, which payment shall be secured by deposit of United States' bonds to that amount, and also covenant and agree to pay annually into the Treasury of the United States, under said Rules and Regulations, a revenue tax or duty of 2 dollars upon each fur-seal skin taken and shipped by them, in accordance with the provisions of the Act aforesaid, and also the sum of 62½ cents for each fur-seal skin taken and shipped, and 55 cents per gallon for each gallon of oil obtained from said seals for sale on said islands or elsewhere, and sold by said Company; and also covenant and agree, in accordance with said Rules and Regulations, to furnish free of charge the inhabitants of the Islands of St. Paul and St. George annually during said term 25,000 dried salmon, 60 cords fire-wood, a sufficient quantity of salt and a sufficient number of barrels for preserving the necessary supply of meat.

And the said lessees also hereby covenant and agree during the term aforesaid to maintain a school on each island, in accordance with said Rules and Regulations, and suitable for the education of the natives of said islands, for a period of not less than eight months in each year.

And the said lessees further covenant and agree not to kill upon said Island of St. Paul more than 75,000 fur-seals, and upon the Island of St. George not more than 25,000 fur-seals, per annum; not to kill any fur-seal upon the islands aforesaid in any other month except the months of June, July, September, and October of each year; not to kill such seals at any time by the use of fire-arms or other means tending to drive the seals from said islands; not to kill any female seal or any seal less than one year old; not to kill any seal in the waters adjacent to said islands, or on the beaches, cliffs, or rocks where they haul up from the sea to remain.

And the said lessees further covenant and agree to abide by any restriction or limitation upon the rights to kill seals under this lease that the Act prescribes, or that the Secretary of the Treasury shall judge necessary for the preservation of such seals.

And the said lessees hereby agree that they will not in any way sell, transfer, or assign this lease, and that any transfer, sale, or assignment of the same shall be void or of no effect.

And the said lessees further covenant and agree to furnish to the several masters of the vessels employed by them certified copies of this lease to be presented to the Government Revenue officers for the time being in charge of said islands, as the authority of said lessees for the landing and taking said skins.

And the said lessees further covenant and agree that they or their agents shall not keep, sell, furnish, give, or dispose of any distilled spirits or spirituous liquors on either of the said islands to any of the natives thereof, such person not being a physician furnishing the same for use as medicine.

And the said lessees further covenant and agree that this lease is accepted subject to all needful Rules and Regulations which shall at any time or times hereafter be made by the Secretary of the Treasury for the collection and payment of the rentals herein agreed to be paid by said lessees, for the comfort, maintenance, education, and protection of the natives of said islands, and for carrying into effect all the provisions of the Act aforesaid, and will abide by and conform to said Rules and Regulations.

And the said lessees, accepting this lease with a full knowledge of the provisions of the aforesaid Act of Congress, further covenant and agree that they will fulfil all the provisions, requirements, and limitations of said Act, whether herein specifically set out or not.

In witness whereof, the parties aforesaid have hereunto set their hands and seals the day and year above written.

WILLIAM A. RICHARDSON, *Acting
Secretary to the Treasury.*

JNO. F. MILLER, *President. Alaska
Commercial Company.*

Executed in presence of—

(Signed) J. H. SAVILLE.

I certify the foregoing printed copy of the lease of the United States to the Alaska Commercial Company of the right to take fur-seals in the Territory of Alaska has been compared with the original on file in this Department, and is a true copy thereof.

(Signed) J. H. SAVILLE,
Chief Clerk, Treasury Department.

Washington, September 3, 1870.

*State of California, City and County of San Francisco,
Collector's Office, Custom-house, December 23, 1885.*

I hereby certify the foregoing to be correct copies of original documents on file at this office.

State of California, City and County of San Francisco.

John T. Fogarty, being duly sworn, deposes and says that the foregoing are true and correct copies of original documents on file in the office of the Collector of Customs of the port of San Francisco, that he has compared the foregoing with said originals, and knows them to be correct copies to his own knowledge.

(Signed) JOHN T. FOGARTY.

Subscribed and sworn to before me this 23rd day of December, 1885.

(Signed) JOHN E. HAMILL, *Notary Public.*

No. 7.

Colonial Office to Foreign Office.—(Received October 16.)

Sir,

Downing Street, October 16, 1886.

WITH reference to the letter from this Department of the 25th ultimo, respecting the seizure of certain Canadian sealing schooners in Behring's Sea, I am directed by

Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, copies of three despatches from the Officer administering the Government of Canada on the subject.

Mr. Stanhope would be glad to be informed whether Lord Iddesleigh has directed any action to be taken on the letter above referred to.

I am, &c.
(Signed) R. H. MEADE.

Inclosure 1 in No. 7.

Administrator Lord A. E. Russell to Mr. Stanhope.

Sir,

Halifax, Nova Scotia, September 27, 1886.

I HAVE the honour to forward herewith, for transmission to the Foreign Office, a copy of an approved Report of a Committee of the Privy Council, submitting depositions from some of the officers and men of the Canadian schooners "Onward," "Thornton," and "Carolina," relative to the seizure of those vessels in Behring's Sea by the United States' Revenue cutter "Corwin," and their subsequent detention at the port of Ounalaska, in the Territory of Alaska.

2. You will observe from the accompanying papers that it appears that the schooners mentioned are Canadian vessels, fitted out in Victoria, British Columbia, for the capture of seals in the waters of the Northern Pacific Ocean adjacent to Vancouver Island, Queen Charlotte Islands, and Alaska, and that at the time of their seizure by the "Corwin" on the 1st August last they were taking seals in the open sea at a distance of more than 60 miles from land.

3. My Minister of Marine and Fisheries has taken steps to get further depositions from the owners, masters, and crews of the above-mentioned vessels in order that a claim may be made upon the United States' Government for damages for the unwarranted seizure of British vessels on the high sea.

4. I have communicated a copy of this Order in Council, with the accompanying papers, to Her Majesty's Minister at Washington.

I have, &c.

Inclosure 2 in No. 7.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Administrator of the Government in Council, on the 3rd September, 1886.

ON a Report dated the 18th September, 1886, from the Minister of Marine and Fisheries, submitting the accompanying papers relative to the seizure of the Canadian schooners "Onward," "Thornton," and "Carolina," in Behring's Sea, by the United States' Revenue cutter "Corwin," and their subsequent detention at the port of Ounalaska, in the Territory of Alaska—

1. Copy of a letter from James Ogilvie, master of the Canadian sealing schooner "Carolina;"

2. Copy of a letter from Daniel Munroe, master of the Canadian sealing schooner "Onward;"

3. Deposition of John Dallas, seaman on board the "Thornton;" of Thomas McLardy, cook on board the "Carolina;" of Edward Shields, seaman on board the "Carolina;" and of William Munsie, owner of the "Carolina;" all of the Province of British Columbia:

The Minister observes that from these papers it appears that the schooners mentioned are Canadian vessels fitted out in Victoria, British Columbia, for the capture of seals in the waters of the Northern Pacific Ocean, adjacent to Vancouver Island, Queen Charlotte's Islands, and Alaska; that at the time of their seizure by the "Corwin" they were taking seals in the open sea out of sight of land, the "Carolina" in latitude 30° 50' north, longitude 168° 53' west; the "Onward" in latitude 54° 52' north, longitude 167° 55' west; and the "Thornton" in about the same latitude and longitude; and all of them at a distance of more than 60 miles from the nearest land; that they were taken possession of by the United States' cutter on the 1st August, 1886, and towed to the port

of Ounalaska, where they are still detained. The crews of the "Thornton" and "Carolina," with the exception of the captain and one man on each vessel detained at Ounalaska, were sent by the steamer "St. Paul" to San Francisco, California, and then turned adrift, while the crew of the "Onward" was kept at Ounalaska.

At the time of their seizure the "Thornton" had 404 seal-skins on board, the "Onward" 900, and the "Carolina" 686, and these are detained and kept at Ounalaska along with the schooners by the United States' authorities.

The Minister states that he has taken steps to get further depositions from the owners, masters, and crews of the vessels above mentioned, in order that a claim may be made upon the United States' Government for damages for this unwarranted seizure of British vessels in the open sea.

The Committee recommend that your Excellency be moved to transmit a copy of this Minute, if approved, together with copies of the papers herein mentioned, to the Right Honourable the Principal Secretary of State for the Colonies, for transmission to the Foreign Office, and also copies to Her Majesty's Minister at Washington,

All of which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council, Canada.

Inclosure 3 in No. 7.

Mr. Ogilvie to Mr. Munsie, August 6, 1886.

[See Inclosure 5 in No. 3.]

Inclosure 4 in No. 7.

Mr. D. Munroe to Mr. C. Spring.

*Schooner "Onward," at Port Ilioluk, Ounalaska,
August 7, 1886.*

Dear Sir,

ON the 2nd, while the "Onward" was in latitude 54° 52' north, longitude 167° 55' west, and about 70 miles from the nearest land, the United States' Revenue cutter "Corwin," having the schooners "Thornton" and "Carolina" in tow, boarded us, and sent a crew on board and towed us in here, where we are lying at present with sails bent and seals on board, and a watchman in charge, but cannot find out what they intend to do with us, so I cannot say any more about it at present.

I met the "Favourite" on the 28th. Captain M'Lean was on board of us; we gave him 508 skins, and they had 1,290 they took themselves, making them about 1,800 total, and as we were in sight of each other until the night of the 1st instant he must have made a good catch, for we have 400 skins on board at present that we took in four days, and I am positive his crowd could take twice that number, as we have not got the best of sealers.

I believe all the schooners did well, and I trust they will get away all right. There is no cutter out at present, as there is only two of them up here—one of them up in the Arctic, and the other that brought us here is still watching us here.

We may find out to-day how they are going to dispose of us, but I am in hopes they made false steps, and that they can do nothing more than spoil the season.

They took the schooner "San Diego" in here about a month ago, and took the skins out of her and unbent her sails, and put everything ashore, and they are sending the crew to San Francisco to-day in one of the Fur Company's steamers, the "St. Paul."

Later on: Have heard nothing more, only the crews of the "Thornton" and "Carolina" are going to San Francisco to-day [? by] the steamer "St. Paul," except the captain and one man of each, but they took none of our crew.

There are rumours afloat that the three schooners are to be laid up here all winter, and that we are going to be taken to Sitka, but no certainty. I wrote you this morning as the boat was leaving the wharf, thinking that she was going away, but she came to anchor in the Roads, and I do not think I finished it. I was afraid of being late. We sent a protest on board the cutter against the action of the authorities in seizing the vessel on the high seas, but I do not know if it will amount to much. There is no Notary Public here

to sign it. I have nothing more to write to you, trusting things will turn out better than we expect.

I remain, &c.
(Signed) DANL. MUNROE,

Inclosure 5 in No. 7.

Declarations of John Dallas, William Munsie, Thomas McLardy, and Edward Shields.

[See Inclosure 10 in No. 3.]

Inclosure 6 in No. 7.

Administrator Lord A. E. Russell to Mr. Stanhope, September 27, 1886.

[Substance of telegram of September 22. See Inclosure 1 in No. 3.]

Inclosure 7 in No. 7.

Administrator Lord A. E. Russell to Mr. Stanhope.

My Lord,

Halifax, Nova Scotia, September 27, 1886.

I HAVE the honour to inclose herewith a copy of an approved Minute of my Privy Council, to which is appended a Report by my Minister of Marine and Fisheries, upon which my telegram of the 22nd instant was founded, relative to the seizures of the Canadian schooners "Thornton," "Onward," and "Carolina" while engaged in the peaceable pursuit of their lawful occupation on the high seas.

2. It will be seen from this Report that the masters and mates of the above-mentioned vessels have been tried before the United States' District Court at Sitka, in Alaska, and sentences of imprisonment, in addition to heavy fines, imposed upon them, while their property has been subjected to forfeiture.

3. My Ministers are of opinion that the action of the United States' authorities with respect to these vessels is indefensible, and that immediate reparation should be demanded from the Government of that country therefor.

I have, &c.

Inclosure 8 in No. 7.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Administrator of the Government in Council, on the 24th September, 1886.

THE Committee of the Privy Council have had before them the annexed Report from the Minister of Marine and Fisheries with reference to the case of the Canadian schooners "Thornton," "Onward," and "Carolina," seized on the 1st August last by the United States' authorities in Behring's Sea.

The Committee concur in the said Report, and they advise that the same be carried out.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Inclosure 9 in No. 7.

Report.

IN reference to a Report of Council, under date the 23rd September, referring to the case of the Canadian schooners "Thornton," "Onward," and "Carolina," seized on the 1st August by the United States' authorities in Behring's Sea, the Undersigned has the honour to lay before Council the following additional information.

It is stated in effect in "The Alaskan," a newspaper published at Sitka, in the Territory of Alaska, and bearing date the 4th September, 1886—

1. That the master and mate of the schooner "Thornton" were brought for trial before Judge Dawson in the United States' District Court at Sitka on the 30th August last.

2. That the evidence given by the officers of the United States' Revenue cutter "Corwin" attempts to show that the "Thornton" was seized while in Behring's Sea, about 60 or 70 miles south-south-east of St. George's Island, for the offence of hunting and killing seals within that part of Behring's Sea which was ceded to the United States by Russia in 1867.

3. That the Judge, in his charge to the jury, after quoting the 1st Article of the Treaty of the 30th March, 1867, between Russia and the United States, in which the western boundary of Alaska is defined, goes on to say: "All the waters within the boundary set forth in this Treaty to the western end of the Aleutian Archipelago and chain of islands are to be considered as comprised within the waters of Alaska, and all the penalties prescribed by law against the killing of fur-bearing animals must, therefore, attach against any violation of law within the limits heretofore described.

"If, therefore, the jury believe from the evidence that the defendants by themselves, or in conjunction with others, did, on or about the time charged in the information, kill any otter, mink, marten, sable, or fur-seal, or other fur-bearing animal or animals, on the shores of Alaska, or in the Behring's Sea east of the 193rd degree of west longitude, the jury should find the defendants guilty, and assess their punishment separately at a fine of not less than 200 dollars nor more than 1,000 dollars, or imprisonment not more than six months, or by both such fine, within the limits herein set forth, and imprisonment."

4. That the jury brought in a verdict of guilty against the prisoners, in accordance with which the master of the "Thornton," Hans Guttounsen, was sentenced to imprisonment for thirty days and to pay a fine of 500 dollars, and the mate of the "Thornton," Norman, was sentenced to imprisonment for thirty days and to pay a fine of 300 dollars, which terms of imprisonment are presumably now being carried into effect.

It also appears, by telegraphic despatch from Nanaimo, British Columbia, dated the 18th September, that the masters and mates of the "Onward" and "Carolina" have since been tried and sentenced to undergo similar penalties to those being inflicted on the master and mate of the "Thornton."

It will appear from the above information, conjoined with the Report of Council under date the 23rd September, that the United States have determined to lay claim to the sole sovereignty of that part of Behring's Sea lying east of the westerly boundary of Alaska, as defined in the 1st Article of the Treaty made between the United States and Russia in 1867, by which Alaska was ceded to the United States, and which includes a stretch of sea extending in its widest part some 600 or 700 miles easterly from the mainland of Alaska.

In pursuance of this claim, they have interfered with the peaceable and lawful occupation of Canadian citizens on the high seas, have taken possession of their ships, have subjected their property to forfeiture, and visited upon their persons the indignity of imprisonment. They appear to have done this in spite of the admitted principles of international law, and in direct opposition to their own contention of what constitutes common waters upon the Atlantic coast.

In view of the unwarranted and arbitrary action of the United States' authorities, the Undersigned recommends that a copy of this Report be sent to Her Majesty's Government to the end that immediate reparation be demanded from the Government of the United States, and that in the meantime the facts contained therein be telegraphed to the Secretary of State for the Colonies and to the British Minister at Washington.

The whole respectfully submitted.

(Signed)

GEORGE E. FOSTER,
Minister of Marine and Fisheries.

*Department of Fisheries, Canada,
Ottawa, September 21, 1886.*

The Earl of Iddesleigh to Sir L. West.—(Substance telegraphed.)

Sir,

Foreign Office, October 20, 1886.

YOU have received from the Canadian Government a protest against the claim advanced by the United States' authorities in seizing three Canadian schooners which were engaged in the capture of seals in what are alleged to be Alaskan waters.

I request that you will lose no time in protesting against these proceedings in the name of Her Majesty's Government; and you will at the same time reserve for consideration hereafter all rights to compensation which may be brought forward.

Full instructions in regard to this matter will be sent to you by mail.

I am, &c.
(Signed) IDDESLEIGH.

No. 9.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, October 21, 1886.

I HAVE to request you to inform me whether the United States' Government have replied to the communication which you were directed to make in my despatch of the 9th ultimo, regarding the seizure of British vessels in Behring's Sea by a United States' Revenue cutter.

If an answer has been received I should be glad to receive a report of the substance by telegraph.

I should be glad at the same time to know whether any appeal has been lodged against the decisions of the United States' Courts condemning certain British subjects in connection with this matter.

I am, &c.
(Signed) IDDESLEIGH.

No. 10.

Sir L. West to the Earl of Iddesleigh.—(Received by telegraph, October 22.)

My Lord,

Washington, October 21, 1886.

WITH reference to your Lordship's telegram of this day's date, I have the honour to inform your Lordship that no answer has as yet been returned to the communication which, in obedience to the instructions contained in your Lordship's despatch of the 9th ultimo, I addressed to the Secretary of State, asking to be furnished with any particulars which the United States' Government may possess relative to the seizures of British vessels in Behring's Sea, and that I have at present no knowledge of any appeal having been made against the decisions of the United States' Courts condemning the parties concerned. The above information was telegraphed to your Lordship this day.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 11.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, October 30, 1886.

HER Majesty's Government are still awaiting a Report on the result of the application which you were directed by my despatch of the 9th ultimo to make to the Government of the United States for information in regard to the reported seizure by the United States' Revenue cutter "Corwin" of three Canadian schooners while engaged in the pursuit of seals in Behring's Sea.

In the meanwhile, further details in regard to these seizures have been sent to

this country, and Her Majesty's Government now consider it incumbent on them to bring to the notice of the United States' Government the facts of the case as they have reached them from British sources.

It appears that the three schooners, named respectively the "Carolina," the "Onward," and the "Thornton," were fitted out in Victoria, British Columbia, for the capture of seals in the waters of the Northern Pacific Ocean, adjacent to Vancouver's Island, Queen Charlotte Islands, and Alaska.

According to the depositions inclosed herewith from some of the officers and men,* these vessels were engaged in the capture of seals in the open sea out of sight of land, when they were taken possession of on or about the 1st August last by the United States' Revenue cutter "Corwin," the "Carolina," in latitude $55^{\circ} 52'$ north, longitude $168^{\circ} 53'$ west, the "Onward" in latitude $50^{\circ} 52'$ north, longitude $167^{\circ} 55'$ west, and the "Thornton" in about the same latitude and longitude.

They were all at a distance of more than 60 miles from the nearest land at the time of their seizure, and on being captured were towed by the "Corwin" to Ounalaska, where they are still detained. The crews of the "Carolina" and "Thornton," with the exception of the captain and one man on each vessel detained at that port, were, it appears, sent by the steamer "St. Paul" to San Francisco, California, and then turned adrift, while the crew of the "Onward" were kept at Ounalaska.

At the time of their seizure the "Carolina" had 686 seal-skins on board, the "Thornton" 404, and the "Onward" 900, and these were detained, and would appear to be still kept at Ounalaska along with the schooners by the United States' authorities.

According to information given in the "Alaskan," a newspaper published at Sitka, in the Territory of Alaska, and dated the 4th September, 1886, it is reported:—

1. That the master and mate of the schooner "Thornton" were brought for trial before Judge Dawson in the United States' District Court at Sitka on the 30th August last.

2. That the evidence given by the officers of the United States' Revenue cutter "Corwin" went to show that the "Thornton" was seized while in Behring's Sea, about 60 or 70 miles south-south-east of St. George Island, for the offence of hunting and killing seals within that part of Behring's Sea which (it was alleged by the "Alaskan" newspaper) was ceded to the United States by Russia in 1867.

3. That the Judge in his charge to the jury, after quoting the 1st Article of the Treaty of the 30th March, 1867, between Russia and the United States, in which the western boundary of Alaska is defined, went on to say: "All the waters within the boundary set forth in this Treaty to the western end of the Aleutian Archipelago and chain of islands are to be considered as comprised within the waters of Alaska, and all the penalties prescribed by law against the killing of fur-bearing animals must therefore attach against any violation of law within the limits heretofore described. If, therefore, the jury believe from the evidence that the defendants, by themselves or in conjunction with others, did, on or about the time charged in the information, kill any otter, mink, marten, sable, or fur-seal, or other fur-bearing animal or animals, on the shores of Alaska or in the Behring's Sea east of 193° of west longitude, the jury should find the defendants guilty, and assess their punishment separately, at a fine of not less than 200 dollars nor more than 1,000 dollars, or imprisonment not more than six months, or by both such fine, within the limits herein set forth, and imprisonment."

4. That the jury brought in a verdict of guilty against the prisoners, in accordance with which the master of the "Thornton," Hans Guttoulsen, was sentenced to imprisonment for thirty days and to pay a fine of 500 dollars, and the mate of the "Thornton," Norman, was sentenced to imprisonment for thirty days and to pay a fine of 300 dollars, which terms of imprisonment are presumably now being carried into effect.

There is also reason to believe that the masters and mates of the "Onward" and "Carolina" have since been tried, and sentenced to undergo penalties similar to those now being inflicted on the master and mate of the "Thornton."

You will observe, from the facts given above, that the authorities of the United States appear to lay claim to the sole sovereignty of that part of Behring's Sea lying east of the westerly boundary of Alaska, as defined in the 1st Article of the Treaty concluded between the United States and Russia in 1867, by which Alaska was ceded to the United States, and

* 1. Copy of a letter from Daniel Munroe, master of the Canadian sealing schooner "Onward."

2. Copy of a letter from James Ogilvie, master of the Canadian sealing schooner "Carolina."

3. Deposition of John Dallas, seaman on board the "Thornton;" of Thomas McLardy, cook on board the "Carolina;" of Edward Shields, seaman on board the "Carolina;" and of Wm. Munsie, owner of the "Carolina;" all of the Province of British Columbia.

which includes a stretch of sea extending in its widest part some 600 or 700 miles easterly from the mainland of Alaska.

In support of this claim, those authorities are alleged to have interfered with the peaceable and lawful occupation of Canadian citizens on the high seas, to have taken possession of their ships, to have subjected their property to forfeiture, and to have visited upon their persons the indignity of imprisonment.

Such proceedings, if correctly reported, would appear to have been in violation of the admitted principles of international law.

I request that you will, on the receipt of this despatch, seek an interview with Mr. Bayard and make him acquainted with the nature of the information with which Her Majesty's Government have been furnished respecting this matter, and state to him that they do not doubt that, if on inquiry it should prove to be correct, the Government of the United States will, with their well-known sense of justice, at once admit the illegality of the proceedings resorted to against the British vessels and the British subjects above mentioned, and will cause reasonable reparation to be made for the wrongs to which they have been subjected, and for the losses which they have sustained.

Should Mr. Bayard desire it, you are authorized to leave with him a copy of this despatch.

I am, &c.
(Signed) IDDESLEIGH.

No. 12.

Sir L. West to the Earl of Idedesleigh.—(Received November 1.)

My Lord,

Washington, October 21, 1886.

UPON the receipt of your Lordship's despatch of the 9th ultimo I immediately addressed a note to the Secretary of State, in accordance with the instructions therein contained, and copy of which is herewith inclosed, requesting to be furnished with any particulars which the United States' Government may possess relative to the seizure of certain British Columbian seal schooners by the United States' Revenue cruiser "Corwin," but to which I have received no reply.

Upon the receipt of your Lordship's telegram of yesterday's date I addressed the note copy of which is likewise inclosed, protesting, in the name of Her Majesty's Government, against the said seizures, and reserving rights to compensation.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 12.

Sir L. West to Mr. Bayard.

Sir,

Washington, September 27, 1886.

I HAVE the honour to inform you that Her Majesty's Government have received a telegram from the Commander-in-chief of Her Majesty's naval forces on the Pacific Station respecting the alleged seizure of three British Columbian seal schooners by the United States' Revenue cruiser "Corwin;" and I am, in consequence, instructed to request to be furnished with any particulars which the United States' Government may possess relative to this occurrence.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 2 in No. 12.

Sir L. West to Mr. Bayard.

Sir,

Washington, October 21, 1886.

WITH reference to my note of the 27th ultimo, requesting to be furnished with any particulars which the United States' Government may possess relative to the seizure in the North Pacific waters of three British Columbian seal schooners by the

United States' Revenue cruiser "Corwin," and to which I am without reply, I have the honour to inform you that I am now instructed by the Earl of Iddesleigh, Her Majesty's Principal Secretary of State for Foreign Affairs, to protest, in the name of Her Majesty's Government, against such seizure, and to reserve all rights to compensation.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 13.

Admiralty to Foreign Office.—Received November 5)

(Extract.)

Admiralty, November 4, 1886.

REFERRING to my letter of the 20th September last and to previous correspondence, I am commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the perusal of the Secretary of State for Foreign Affairs, cuttings from a newspaper called the "Daily British Colonist," at Victoria, respecting the seizure of British Columbian sealing schooners in Behring's Sea.

Inclosure in No. 13.

Extract from the "Daily British Colonist," Victoria, of October 7, 1886.

(From the "Brooklyn Eagle.")

THE ALASKA SEIZURES.—The recent seizure of vessels in Behring's Sea by the United States' Revenue steamer "Corwin," for the alleged illegal capture of seals in the waters of the United States, has attracted a surprisingly small amount of attention, in this quarter at least. This is probably due to the fact that the Cabinet has not had a meeting for some time, and that but one Cabinet Minister remained in Washington, so that there was a lack of information on the subject, which was unfavourable to its discussion. Now, however, we have something like an official Report of what has taken place from the Captain of the "Corwin," and the matter is ripe for the attention of the press of the United States. No one who gives the subject his notice can fail to recognize the fact that it is one of the most important questions this Government was ever called upon to discuss, and that it may involve consequences of the highest moment.

The Captain of the "Corwin," it appears, was acting under positive instructions received at San Francisco, commanding him to seize and deliver to the United States' District Court of Alaska, for condemnation and seizure, all vessels found engaged in the capture of seals within Alaskan waters, which were defined to include all of Behring's Sea east of the line from Behring's Strait to a point west of the most western of the Aleutian Islands. Under this interpretation a vessel might be more than 500 miles from the mainland of America, and still a trespasser in Alaskan waters, and therefore liable to seizure. The complaints which led to the issuing of these instructions came from the Alaska Fur Seal Company, who lease the seal fisheries from the Government for the payment of 317,000 dollars annually.

The vessels captured were six in number, three of them being described as British, one American from San Francisco, but the nationality of the other two is not given. It is not pretended that any of them was within a marine league of the shore; in fact, the only vessel whose place of capture is specifically stated in the despatch is the British schooner "Thornton," which, the Captain of the "Corwin" says, was captured about 70 miles south-south-east of St. George. This would bring her 150 miles from the chain of the Aleutian Islands, and 300 from the nearest point of the mainland.

The captured schooners were taken to Unalaska, where they were libelled for condemnation, and their crews were conveyed to Sitka, where the masters and mates, in addition to the loss of their vessels, were tried before Judge Dawson, and fined and imprisoned. In the case of the "Thornton," the captain was fined 500 dollars. Judge Dawson, in passing sentence, was very severe on the prisoners, and likened their offence to piracy, telling them that they had no more right to go into the waters of another nation to interfere with its industries than they had to go upon another man's land and appropriate his crops. Judge Dawson, although only a District Judge, considers that his jurisdiction

extends over the whole of the waters of Alaska, comprising about 1,000,000 square miles of what would elsewhere be regarded as the high seas, so that he may safely be regarded as the greatest maritime Judge extant.

If it should be reported some days in the papers that a Gloucester fishermen had been captured by a Canadian cruiser 300 miles off the coast of Nova Scotia, and that her master and mate, in addition to the loss of their vessel, had been heavily fined, and were then languishing in a Canadian prison, there would probably be some indignation in New England. Yet that, as regards the maritime aspect of the case, is substantially what the Alaskan seizures amount to. It is maintained, however, that the circumstances of these cases are modified by the fact that Russia claimed the whole Behring's Sea as part of her territory, and that the waters claimed by this Government were ceded as part of Alaska. Judge Dawson is reported to have said on this point that Russia had claimed and exercised jurisdiction over all that portion of Behring's Sea embraced in the boundary-line set forth in the Treaty, and that claim had been tacitly recognized and acquiesced in by the other Maritime Powers of the world for a long series of years prior to the Treaty of the 30th March, 1867. He held that the jurisdiction had been transferred, and that the United States had acquired absolute control and dominion over the area described in the Treaty, and that British vessels, manned by British subjects, had no right to navigate the waters for the purpose of killing fur-bearing seals. If this is good law, that is the end of the matter; but is it good law? Unless we are greatly in error, there are copies of despatches on the files of the State Department, written prior to 1867, in which the Russian claim is distinctly repudiated and denied. Circumstances may have changed since then as to our attitude towards the subject, but the principle has not. And we doubt greatly whether the United States would ever have admitted such a claim if made by another nation. What would be said, for instance, if the British undertook to prevent an American whaler from entering Hudson Bay or traversing the western half of that arm of the Atlantic Ocean which leads to it? Maritime law and international law are the same whether on the Atlantic or the Pacific, and there is certainly something grotesque in the sight of hundreds of American fishermen hovering on the Canadian Atlantic coast just beyond the 3-mile limit, and claiming to enter all bays more than 3 miles wide at the mouth and fish, while, on the Pacific, Canadian vessels are captured 300 miles from the mainland, and the claim is made that a bay more than 1,000 miles wide at the mouth shall be a closed sea to them.

There is another aspect to the case, not international but national. One of the vessels captured was an American schooner from San Francisco. All other American vessels, except those of the Alaska Seal Fur Company, are therefore excluded from these waters, which are claimed as belonging to Alaska. Is there any warrant for this in the Constitution of the United States? It has been the evil policy of the nation to give up the whole Territory of Alaska to one gigantic monopoly, to discourage settlement and all legitimate enterprises not connected with the fur trade. Is this policy to be continued? It surely was not for this purpose that the territory was bought, but that its resources might be developed, and such parts of it as are suitable for settlement opened to industrious workers. But for nineteen years Alaska has been nothing but the reserve of a great Corporation, which is even now scheming to obtain a renewal of its franchises there. The matter is one of the greatest interest and importance to the American people, who are not desirous of establishing monopolies in Alaska or elsewhere but wish to see all their territory opened up and made available for the use of all our citizens.

No. 14.

Messrs. Lamson and Co. to the Earl of Iddesleigh.—(Received November 13.)

My Lord,

64, Queen Street, London, November 12, 1886.

WE understand a question of international law has arisen between the Government of the United States on the one hand and the Governments of Great Britain and of the Dominion of Canada on the other hand, respecting the seizure by the United States' Revenue cutter "Corwin" of certain Dominion fishing-vessels engaged in capturing fur-seals in the waters of Alaska.

As the future existence of the fur-seal skin trade, in which we have for years past been engaged, largely depends upon the settlement of this question, we beg to submit, for your consideration, the following facts:—

Situated in the waters of Alaska, latitude 57° north, longitude 170° west, is the Pribylov group of islands, belonging to the United States.

These islands, which are occupied every year from May to October by a large number of fur-seals for the purpose of breeding, have been leased to an American Company, under stringent conditions, which restrict them from killing more than 100,000 young males per annum, and strictly prohibit them from killing any female seals whatever.

The fur-seal being a polygamous animal, the annual increase is not affected by the killing of this limited number of young males; and it has been found that the wise nursing by these means of this very important fishery has not only resulted in the preservation of the seals during the past sixteen years, but has also given an ample supply of skins for purposes of trade.

During the last few seasons, however, fishing-vessels have been fitted out from ports in British Columbia and the United States, and have been engaged in the wholesale slaughter of female seals, which, during the breeding season, swarm in the waters round the islands for a considerable distance out to sea.

Last summer several of the Dominion vessels were seized by the United States' cutter, and it is stated that a case is being prepared by the Dominion Government, for presentation to the United States' Government, disputing the legality of the said captures.

Should Great Britain deny the right of the United States' Government to protect the fishery in an effectual manner, there can be no doubt that the Alaska fur-seals, which furnish by far the most important part of the world's supply of seal-skins, will be exterminated in a very few years, just as in the South Atlantic the Shetland and Georgia fur-seals, which used to furnish even finer pelts than the Alaskas, have already been.

It is evident, therefore, that the benefit derived by the Dominion fishing-vessels from the slaughter of these female seals will be short-lived.

We would next point out that the 100,000 skins, the annual produce of the islands (worth 350,000*l.* at present prices), have been shipped to us for sale and manufacture in London for sixteen years past, thus affording in this city employment for a large amount of capital and means of subsistence to some 10,000 people, many of whom are skilled workmen earning wages up to 3*l.* per week.

We need, therefore, hardly suggest that it would be a shortsighted and disastrous policy to allow such an industry to be destroyed, especially at a time when so much distress is already prevalent among the working classes.

We therefore earnestly trust the British Government will, after verifying the above facts, see its way to give its friendly support to the United States in the exercise of their right to protect and preserve an article of commerce equally affecting the interests of both countries. We have telegraphed to New York for the "Monograph of the Seal Islands," by Professor Elliott, which fully describes the seal life upon the islands. When we have received the book we shall have the pleasure of handing it to your Lordship.

We are, &c.

(Signed) C. M. LAMPSON AND Co.

No. 15.

Colonial Office to Foreign Office.—(Received November 16.)

Sir,

Downing Street, November 16, 1886.

WITH reference to previous correspondence, I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, a telegram which has been received from the Governor-General of Canada respecting the Alaska seizures; and I am to request to be informed of the answer which should be returned to Lord Lansdowne's inquiry.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure in No. 15.

The Marquis of Lansdowne to Mr. Stanhope.

(Telegraphic.)

Ottawa, November 14, 1886.

ALASKA seizures. Has any answer been received to representations? Papers will be sent you proving that the case is one of great hardship, and that a total disregard of international rights has been shown by the action of the United States. We believe the masters of the vessels are still in prison.

No. 16.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, November 18, 1886.

I HAVE to inform you that inquiry has been made by the Government of Canada as to what reply has been received from the Government of the United States to the representations which, as reported in your telegram of the 21st October, you had made to them in regard to the seizure of three schooners from British Columbia by the United States' Revenue cruiser "Corwin" in Behring's Sea.

Lord Lansdowne reports that it is believed that the captains of these vessels are still in prison, and that documents will be sent to this country proving that the case is one of great hardship, and that a total disregard of international rights has been shown in the action of the authorities of the United States.

I have, in consequence, sent you a telegram this day requesting you to report how this case now stands.

I am, &c.
(Signed) IDDESLEIGH.

No. 17.

Sir L. West to the Earl of Iddesleigh.—(Received by telegraph, November 19.)

My Lord,

Washington, November 19, 1886.

UPON the receipt of your Lordship's telegram of yesterday's date I sought an interview with the Secretary of State, and asked him whether he had received the official Report of the proceedings of the Court at Sitka (Alaska) against the British vessel seized in Behring's Sea. Mr. Bayard replied in the negative, and said that he had been urging the Attorney-General in the matter since he last saw me.

It would be, he continued, a complicated question of jurisdiction, for he had been told that many of the seal-skins found on board the British vessels were skins of seals which had not been shot, but clubbed, which proved that a landing had been effected. He said that he would reply to your Lordship's despatch which I had communicated to him as soon as possible.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 18.

Foreign Office to Messrs. Lamson and Co.

Gentlemen,

Foreign Office, November 19, 1886.

I AM directed by the Earl of Iddesleigh to acknowledge the receipt of your letter of the 12th instant, relative to the seizure of certain British-owned seal-fishing vessels by the United States' Revenue cutter "Corwin," in the waters of Alaska; and I am to inform you, in reply, that the question is now under the consideration of Her Majesty's Government.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 19.

Sir L. West to the Earl of Iddesleigh.—(Received November 26.)

My Lord,

Washington, November 14, 1886.

WITH reference to my despatch of the 21st ultimo, I have the honour to inclose to your Lordship herewith copy of a note which I have received from the Secretary of State, explaining and apologizing for the delay which has occurred in replying to my note of the 21st September last, asking for information respecting the seizure by the United States' Revenue cutter "Corwin," in the Behring's Sea, of British vessels, and noting the protest on the part of Her Majesty's Government against such seizures contained in my note of the 21st ultimo, copy of which was inclosed in my above-mentioned despatch.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 19.

Mr. Bayard to Sir L. West.

Sir,

Department of State, November 12, 1886.

THE delay in my reply to your letters of the 27th September and 21st October, asking for the information in my possession concerning the seizure by the United States' Revenue cutter "Corwin," in the Behring's Sea, of British vessels for an alleged violation of the laws of the United States in relation to the Alaska seal fisheries, has been caused by my waiting to receive from the Treasury Department the information you desired. I tender this fact in apology for the delay and as the reason for my silence; and, repeating what I said verbally to you in our conversation this morning, I am still awaiting full and authentic Reports of the judicial trial and Judgment in the cases of the seizures referred to.

My application to my colleague the Attorney-General to procure an authentic Report of these proceedings was promptly made, and the delay in furnishing the Report doubtless has arisen from the remoteness of the place of trial.

As soon as I am enabled, I will convey to you the facts as ascertained in the trial, and the rulings of law as applied by the Court.

I take leave also to acknowledge your communication of the 21st October, informing me that you had been instructed by the Earl of Iddesleigh, Her Majesty's Principal Secretary of State for Foreign Affairs, to protest against the seizure of the vessels above referred to, and to reserve all rights of compensation.

All of which shall receive respectful consideration.

I have, &c.

(Signed) T. F. BAYARD.

No. 20.

The Earl of Iddesleigh to Sir L. West.

(Telegraphic.)

Foreign Office, December 6, 1886.

CANADIAN Government inquire whether vessels equipping in British Columbia for Behring's Sea fisheries are exposed to seizure.

They seek assurance that no seizures of British vessels will be made beyond territorial waters of Alaska pending settlement of question.

No. 21.

Sir L. West to the Earl of Iddesleigh.—(Received December 24.)

(Extract.)

Washington, December 10, 1886.

I HAVE the honour to acknowledge the receipt of your Lordship's telegram of the 6th instant, and to inclose to your Lordship herewith copy of a note which I addressed to the Secretary of State in the sense of it.

Inclosure in No. 21.

Sir L. West to Mr. Bayard.

Sir,

Washington, December 7, 1886.

REFERRING to your note of the 12th ultimo on the subject of the seizure of British vessels in the Behring's Sea, and promising to convey to me as soon as possible the facts as ascertained in the trial and the rulings of law as applied by the Court, I have the honour to state that vessels are now as usual equipping in British Columbia for fishing in that sea. The Canadian Government, therefore, in the absence of information, are desirous of ascertaining whether such vessels fishing in the open seas and beyond the territorial waters of Alaska would be exposed to seizure, and Her Majesty's Government at the same time would be glad if some assurance could be given that, pending the settlement of the question, no such seizures of British vessels will be made in Behring's Sea.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 22.

Colonial Office to Foreign Office.—(Received January 5.)

Sir,

Downing Street, January 4, 1887.

WITH reference to previous correspondence respecting the seizure by the United States' Revenue-steamer "Corwin" of certain Canadian schooners engaged in the seal fishery in Behring's Sea, I am directed by Mr. Secretary Stanhope to transmit to you, for such further action in the matter as the Earl of Iddesleigh may think proper, a copy of a despatch from the Governor-General of Canada, inclosing copy of an approved Report of his Privy Council, explaining the views of the Dominion Government in the matter.

Mr. Stanhope would be glad to receive a copy of any communication which Lord Iddesleigh may address to the United States' Government in consequence of this further representation from the Government of Canada on the subject.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 22.

The Marquis of Lansdowne to Mr. Stanhope.

Sir,

Government House, Ottawa, November 27, 1886.

I HAVE the honour to inclose herewith copy of an approved Report of my Privy Council dealing with the recent seizure of the Canadian schooners "Caroline," "Onward," and "Thornton" by the United States' Revenue steamer "Corwin" while fishing for seals in Behring's Sea.

The statements contained in the Report are sufficient to establish that the claim now put forward on the part of the United States to the sole right of taking fur-bearing animals within the limits laid down in the 1st Article of the Treaty of 1867 is inconsistent with the rights secured to Great Britain under the Convention of 1825, and is in substance the same as that which, when advanced by the Russian Government on different occasions prior to the cession of Alaska by Russia to the United States, was either strenuously resisted or treated with ridicule and contempt by the Government of the latter Power.

It is impossible to believe that, when by the Convention of 1825 it was agreed that the subjects of Great Britain, as one of the Contracting Parties, should not be "troubled or molested in any part of the ocean commonly called the Pacific Ocean, either in navigating the same or in fishing therein," any reservation was intended with regard to that part of the Pacific Ocean known as Behring's Sea. The whole course of the negotiations by which this Convention and that between Russia and the United States of the same year were preceded—negotiations which, as pointed out in the Report, arose out of conflicting claims to these very waters—points to the contrary conclusion. It would, indeed, be difficult to condemn the present pretensions of the

United States' authorities in language more convincing or emphatic than that which, while those negotiations were in progress, was used by Mr. Middleton, then Russian Minister at St. Petersburg, in his Memorandum dated the 13th December, 1823. (*Vide* American State Papers, Foreign Relations, vol. v, No. 384.)

It is laid down in that Memorandum that "the existence of territorial rights to the distance of 100 miles from the coasts upon two opposite continents, and the prohibition of approaching to the same distance from these coasts or from those of all the intervening islands, are innovations in the law of nations and measures unexampled. It must thus be imagined that this prohibition, bearing the pains of confiscation, applies to a long line of coasts with the intermediate islands, situate in vast seas where the navigation is subject to innumerable and unknown difficulties, and where the chief employment, which is the whale fishery, cannot be compatible with a regulated and well-determined course."

Mr. Middleton added that: "Universal usage, which has obtained the force of law, has established for all the coasts an accessory limit of a moderate distance, which is sufficient for the security of the country and for the commerce of its inhabitants, but which lays no restraint upon the universal rights of nations, nor upon the freedom of commerce and navigation."

Under the Treaty of 1867 Russia ceded to the United States "all the rights, franchises, and privileges" then belonging to her in the territory or dominion included within the limits described (*vide* Article VI), but could not cede a right which, in the express terms of the Treaty of 1825, was recognized as belonging to the subjects of the British Crown as well as to those of Russia.

This is, as far as I have been able to ascertain, the first occasion upon which claims of the kind now advanced have been enforced. Sealing-vessels from British Columbia have for some years past frequented the waters of Behring's Sea without molestation, and a letter, of which I inclose a copy, addressed by Mr. William Munsie, of Victoria, British Columbia, to my Minister of Marine and Fisheries, shows how serious will be the effect of this interference upon a well-established and important industry in which many British subjects have a substantial interest.

It is, I think, worth while to contrast the claims now urged by the Government of the United States to exclusive control over a part of the Pacific Ocean, the distance between the shores of which is, as was pointed out by Mr. Adams in 1822, not less than 4,000 miles, with the indignant remonstrances recently made by Mr. Bayard against the action of the Canadian authorities in warning United States' fishing-vessels from entering the territorial waters of the Dominion at points where those waters were only a few miles in width and throughout their whole extent in close proximity to Canadian territory. A warning of this kind, when given in respect of the Bay des Chaleurs, which measures about 18 miles at its mouth, was stigmatized by Mr. Bayard in his despatch of the 14th June, 1886, as a "wholly unwarranted pretension of extra-territorial authority," and as an "interference with the unquestionable rights of the American fishermen to pursue their business without molestation at any point not within 3 marine miles of the shore."

I would also draw your attention specially to the great hardship occasioned to the owners and crews of the seized vessels by the confiscation of their catch and by the imprisonment of some of the persons on board of them.

I understand that, owing to the amount of the fines imposed, which were so heavy that the owners have declined to pay them, the captains and mates of the seized vessels, though originally sentenced to thirty days' imprisonment, a term which has long since expired, are still detained. I may add, in explanation of the concluding passage in Mr. Munsie's letter, that Mr. Ogilvie, the captain of the "Caroline," while waiting at Ounalaska for the trial of his vessel, wandered off into the woods, in which it appears, from Mr. Munsie's statement, that he must have perished.

I have, &c.

(Signed) LANSDOWNE.

Inclosure 2 in No. 22.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on November 27, 1886.

THE Committee of the Privy Council have had under consideration a communication from Mr. E. C. Baker, M.P., Vice-President of the British Columbia Board of Trade, transmitting a letter from Mr. Theodore Lubbe, the managing owner of the

British Columbia sealing fleet, asking information as to the United States' claim to the easterly half of Behring's Sea, as American waters, and also a despatch, dated the 26th August last, from the Lieutenant-Governor of British Columbia, advising of the seizure of the Canadian schooners "Caroline" and "Thornton," by the United States' Revenue steamer "Corwin," while engaged in sealing in Behring's Sea.

Also copy of a letter from Daniel Munroe, master of the Canadian sealing schooner "Onward," which has been already forwarded by his Excellency the Governor-General to the Colonial Office, and to Her Majesty's Minister at Washington.

The Sub-Committee of Council, to whom the papers were referred, observe that it appears that the schooners mentioned were Canadian vessels fitted out for the capture of seals in the North Pacific Ocean adjacent to Vancouver Island, Queen Charlotte Island, and Alaska; that they were peaceably pursuing their vocations on the high seas at a distance of some 70 miles from the nearest island, and more than 100 miles from the nearest mainland; that they were taken possession of by the United States' Revenue cutter "Corwin" on the 1st August last, and towed to the port of Ounalaska. The crews of the "Thornton" and "Caroline" (with the exception of the captain and one man on each vessel, who were detained at Ounalaska), were sent by steamer to San Francisco, and there turned adrift, while the men of the "Onward" were kept at Ounalaska. The schooners and the seals found on board of them were also detained by the United States' authorities.

The authority under which these seizures were made is apparently :—

1. A letter of instructions from the Acting Secretary of the Treasury of the United States to Mr. D'Ancona, the Collector of Customs at San Francisco, dated the 12th March, 1881, with inclosures (A of Appendix).

2. A letter from the Secretary of the United States' Treasury to the Collector of Customs at San Francisco, dated the 16th March, 1886, confirming the instructions given to Mr. D'Ancona in 1881, and ordering publication of the same (B of Appendix).

3. The Revised Statutes of the United States, the 1596th Section of which prohibits the killing of fur-bearing animals within the limits of Alaska Territory, or in the waters thereof, and Sections 1960 and 1961 of which prohibit the killing of male seals, except at certain times, and under certain restrictions, and of female seals at any time, upon the Islands of St. Paul and St. George, or in the waters adjacent thereto.

The master and mate of the schooner "Thornton" were subsequently (the 13th August last) brought for trial before Judge Dawson, in the United States' District Court at Sitka.

The evidence given by the officers of the United States' Revenue cutter "Corwin" was to the effect that the "Thornton" was seized while in Behring's Sea, about 60 or 70 miles south-south-east of St. George's Island, for the offence of hunting and killing seals within that part of Behring's Sea which was ceded to the United States by Russia in 1867.

The Judge in his charge to the jury quoted the 1st Article of the Treaty of the 30th March, 1867, between Russia and the United States, in which the boundary of Alaska is defined as follows :—

"The western limit, within which the territories and dominion conveyed are contained, passes through a point in Behring's Straits on the parallel of 65° 30' north latitude, at its intersection by the meridian which passes midway between the Island of Krusenstern or Igualook and the Island of Ratmanoff or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds then in a straight course nearly south-west through Behring's Straits and Behring's Sea, so as to pass midway between the north-west point of the Island of St. Lawrence and the south-east point of Cape Choukotski, to the meridian of 172° west longitude, thence from the intersection of that meridian in a south-westerly direction, so as to pass midway between the Island of Attou and the Copper Island of the Kormandorski couplet or group, in the North Pacific Ocean, to the meridian of 193° west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian." Executive Documents, 2nd Session, 40th Congress, vol. xiii, document 177.

The Judge is reported to have gone on to say :—

"All the waters within the boundary set forth in this Treaty to the western end of the Aleutian Archipelago and chain of island, are to be considered as comprised within the waters of Alaska, and all the penalties prescribed by law against the killing of fur-bearing animals, must therefore attach against any violation of law within the limits before described.

"If, therefore, the jury believe from the evidence that the defendants did by themselves or in conjunction with others, on or about the time charged in the information, kill any otter, mink, martin, sable, or fur-seal, or other fur-bearing animal or animals, on the shores of Alaska, or in the Behring's Sea, east of the 193° of west longitude, the jury should find the defendants guilty, and assess their punishment separately, at a fine of not less than 200 dollars, nor more than 1,000 dollars, or imprisonment not more than six months, or by both, such fines within the limits herein set forth, and imprisonment."

The jury found the prisoners guilty, and the master of the "Thornton" was sentenced to thirty days' imprisonment and to pay a fine of 500 dollars, while the mate was sentenced to a like term of imprisonment and to pay a fine of 300 dollars. It appears from a telegraphic despatch of the 18th September last that the masters and mates of the "Onward" and "Caroline" have since also been tried, and sentenced to undergo penalties similar to those inflicted on the master and mate of the "Thornton."

The Sub-Committee do not here propose to comment on the enlarged construction placed by Judge Dawson on the words "adjacent waters" in the clauses of the Revised Statutes above referred to, further than to remark in passing that its effect would be to convert a purely municipal prohibition into an international obligation, and to claim for the United States a jurisdiction which their Government have in the past not only declined themselves to assert, but which they have strenuously resisted when claimed by another Power.

The following brief instance will illustrate the position taken by the United States' Government in the recent past:

As late as the 19th April, 1872, Mr. Boutwell, then Secretary of the United States' Treasury, in answer to a request made to him that a Revenue cutter should be sent to the region of Minnak Pass to prevent Australian and Hawaiian vessels from taking seals on their annual migration to the Islands of St. Paul and St. George, declined to accede to the request, and added:—

"In addition, I do not see that the United States would have the jurisdiction or power to drive off parties going up there for that purpose, unless they made such attempts within a marine league of the shore."

Going further back in date, the Sub-Committee find that in 1822 a claim to sovereignty over the Pacific Ocean north of the 51st degree of latitude was put forward by Russia. An Imperial Ukase, issued on the 4th (16th) September, 1821, regulating commerce, whaling, and fishing along the eastern coast of Siberia, the north-western coast of North America, and the Aleutian and other islands, and prohibiting all foreign vessels from landing on the coasts and islands belonging to Russia, or approaching them within less than 100 Italian miles, was communicated to the American Government on the 11th February, 1822 (C of Appendix).

The Honourable John Quincy Adams, at that time United States' Secretary of State, wrote on the 25th of the same month to M. de Poletica, the Russian Minister Plenipotentiary, expressing the surprise of the President of the United States at the assertion of a territorial claim by Russia extending to the 51st degree of north latitude on this continent; stating that the exclusion of American vessels from the shore beyond the ordinary distance to which the territorial jurisdiction extends had excited still greater surprise; and requesting an explanation of the grounds of right, upon principles generally recognized by the laws and usages of nations, which could warrant such claims.

M. de Poletica, in a despatch dated the 16th (28th) February, 1882, defends the prohibition as designed to suppress the furnishing by foreigners of arms and ammunition to the natives of Russian America. He adds, however:—

"The extent of sea of which these possessions form the limits comprehends all the conditions which are ordinarily attached to shut seas ('mers fermées'), and the Russian Government might, consequently, judge itself authorized to exercise upon this sea the right of sovereignty, and especially that of entirely interdicting the entrance of foreigners. But it preferred only asserting its essential rights, without taking any advantage of localities."

Mr. Adams deemed it a sufficient answer to this claim to point out the fact that the "distance from shore to shore on this sea in latitude 51° north, is not less than 90° of longitude, or 4,000 miles." (State Papers, vol. ix, p. 471 *et seq.*)

A writer in the "North American Review," in an article published a few months later, says, with respect to Mr. Adams' answer, "A volume on the subject could not have placed the absurdity of the pretensions more glaringly before us." ("North American Review," vol. xv, p. 389.)

The position was relinquished by Russia after much negotiation and correspondence (see American State Papers, Foreign Relations, vol. v, p. 132), and on the 17th April, 1824, a Convention was concluded between the United States and that country which was ratified at Washington on the 12th January, 1825, and of which the 1st Article is as follows:—

“1. It is agreed that in any part of the great ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects of the High Contracting Powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts upon points which may not already have been occupied for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following Articles.” (State Papers, vol. xii, p. 595.)

The conditions and restrictions relate chiefly to the prevention of illicit trade in spirituous liquors, fire-arms, &c.

Negotiations between Great Britain and Russia on the subject of the same Ukase, and the prohibition above referred to, resulted in a Treaty between the two Powers, concluded on the 16th (28th) February, 1825, and containing the following provision, in which the right of fishing and navigation by Great Britain in any part of the Pacific Ocean is recognized:—

“It is agreed that the respective subjects of the High Contracting Parties shall not be troubled or molested in any part of the ocean commonly called the Pacific Ocean, either in navigating the same, in fishing therein, or in landing at such parts of the coast as shall not have been already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following Articles.” (State Papers, vol. xii, p. 38.)

So far as the Sub-Committee are aware, the claim was never revived until it is now for the first time put forward by the United States.

It does not appear necessary to insist at any great length that the conditions attaching to *maria clausa* cannot by any possibility be predicated of Behring's Sea, and that the seizure of Canadian vessels at a distance of over 100 miles from the mainland and 70 miles from the nearest island constitutes a high-handed extension of maritime jurisdiction unprecedented in the law of nations, but the Sub-Committee cannot conclude without inviting the earnest attention of Her Majesty's Government to the fact that Canadian citizens seized while engaged in the pursuit of their lawful vocation upon the high seas, and more than 70 miles from the nearest land, have been dragged before a foreign Court, their property confiscated, and themselves thrown into prison, where they still remain.

The Sub-Committee express their confident hope that such representations will be at once made to the United States' Government as will secure the immediate release of the imprisoned men, and full reparation for all losses and damage sustained by them.

The Committee concur in the foregoing Report, and they advise that your Excellency be moved to transmit a copy of this Minute, if approved, to the Right Honourable the Secretary of State for the Colonies and to Her Majesty's Minister at Washington.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE, Clerk,
Privy Council, Canada.

Appendix (A).

Mr. H. F. French, Acting Secretary, Treasury Department, to Mr. D. A. D'Ancona, 717, O'Farrell Street, San Francisco, California, March 12, 1886.

[See Inclosure 7 in No. 3.]

Appendix (B).

Mr. D. Manning, Secretary, Treasury Department, to the Collector of Customs, San Francisco, March 16, 1886.

[See Inclosure 7 in No. 3.]

Appendix (C).

Edict of His Imperial Majesty, Autocrat of All the Russias.

The Directing Senate maketh known unto all men: whereas, in an Edict of His Imperial Majesty, issued to the Directing Senate on the 4th day of September, and signed by His Imperial Majesty's own hands, it is thus expressed:—

"Observing from reports submitted to us that the trade of our subjects on the Aleutian Islands and on the north-west coast of America, appertaining unto Russia, is subjected, because of illicit and secret traffic, to oppression and impediments, and finding that the principal cause of these difficulties is the want of Rules establishing the boundaries for navigation along these coasts, and the order of naval communication, as well in these places as on the whole of the eastern coast of Siberia and the Kurile Islands, we have deemed it necessary to determine these communications by specific Regulations which are hereto attached.

"In forwarding these Regulations to the Directing Senate, we command that the same be published for universal information, and that proper measures be taken to carry them into execution.

Countersigned:

(Signed)

"Count D. GURIEF, *Minister of Finance.*"

It is therefore decreed by the Directing Senate that His Imperial Majesty's Edict be published for the information of all men, and that the same be obeyed by all whom it may concern.

The original is signed by the Directing Senate.

On the original is written in the handwriting of His Imperial Majesty thus—

"Be it accordingly,
(Signed) "ALEXANDER."

Section 1. The pursuits of commerce, whaling, and fishery, and of all other industry on all islands, ports, and gulfs, including the whole of the north-west coast of America, beginning from Behring's Straits to the 51st degree of northern latitude, also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring's Straits to the south cape of the Island of Urup, viz., to the 45° 50' northern latitude, is exclusively granted to Russian subjects.

Section 2. It is therefore prohibited to all foreign vessels, not only to land on the coasts and islands belonging to Russia, as stated above, but also to approach them within less than 100 Italian miles. The transgressor's vessel is subject to confiscation, along with the whole cargo.

Sir,

Ottawa, April 9, 1886.

I have the honour to transmit herewith a letter just received from Mr. Theodore Lubbe, the managing owner of our British Columbian sealing fleet, and dated the 30th ultimo; the newspaper clipping attached thereto fully explains the matter embodied therein, and, as will be at once seen, it is a matter of vital importance to our fishing industry and commercial enterprises generally that the same should engage the attention of the Government at the very earliest possible moment, in order that the owners may be apprised with as little delay as possible how they are to act.

I would therefore respectfully urge that the whole subject be referred to his Excellency the Governor-General in Council, so that I may be informed as quickly as is reasonably possible what reply to telegraph; should this mode of procedure be irregular or undesirable, then I would most respectfully ask that such other steps be taken in the premises as to you may appear necessary or expedient, so as to avert trouble in the closely approaching season alluded to, and remove all doubt as to the rights of the parties on the "high seas," or otherwise, as may appear to be reasonably consistent.

I have, &c.

(Signed) EDGAR CROW-BAKER, M.P.,
Vice-President, British Columbian Board of Trade.

The Honourable the Secretary of State.

Mr. Lubbe to Mr. E. Crow-Baker, M.P., Victoria, British Columbia, March 30, 1886.

[See Inclosure 8 in No. 3, p. 7.]

Contraband Seal Hunting.

Noticing in your issue of the "Call" of the 25th instant an article referring to the Alaska Fur Company's territory, to oblige a number of your subscribers will you kindly inform us if a vessel hunting seal a marine league off shore in Behring's Sea would be liable to seizure, or does the marine league limit apply to that territory as it does to all land in the high seas?

SEVERAL INTERESTED SUBSCRIBERS.

F

Section 1956, Revised Statutes of the United States, prohibits the killing of fur-bearing animals within the limits of Alaska Territory or the waters thereof, except under an authorization from the Secretary of the Treasury, and it further provided that the Secretary shall not grant any special privileges under this section. Then comes the inquiry: "What is included in the term, 'the waters thereof'?" The Treaty by which Alaska was ceded to the United States by Russia defines the boundaries of the jurisdiction thus conveyed. The western limit, which extends out on the high seas (a questionable conveyance) as far as the meridian of 193° west longitude, so as to include the whole of the Aleutian Archipelago, and thence proceeds north-west to the intersection of the meridian 172° west with the parallel of 65° 30' north, passes through the middle of Behring's Straits, midway between the Islands of Kousentern, or Ignalook, and Rotmanoff, and thence due north without limitation into the Frozen Ocean. By Act of Congress the laws of the United States are extended over all this territory and water. As Behring's Straits at its narrowest is 36 miles wide, 9 miles from the Alaskan mainland coast would not begin to reach the western limit of our purchase from Russia, and until the right of the United States' Government to exclusive jurisdiction over those waters is successfully controverted, you must not violate the law of Congress, by killing seals therein, without the consent of the Secretary of the Treasury, on peril of confiscation. "According to the current of modern authority," says Chancellor Kent, "the general territorial jurisdiction extends into the sea as far as a cannon-shot will reach, and no farther, and this is generally calculated to be a marine league (3 miles), and the Congress of the United States has recognized this limitation." The claim of Russia to sovereignty over the Pacific Ocean north of the 51st degree of latitude, as a close sea, was considered by our Government in 1822 as being against the rights of other nations, but now, as we have bought Russia out, it is all right. One's opinions change according to one's standpoint, and besides, cannons shoot farther now than they used to.

Public No. 130.

An Act to prevent the Extermination of Fur-bearing Animals in Alaska.

[See Inclosure 1 in No. 6.]

Letter dated Treasury Department, Washington, D.C., April 19, 1872.

[See Inclosure 6 in No. 3.]

Indenture dated August 3, 1870.

[See Inclosure 3 in No. 6.]

THE ALASKA SEIZURES.

Extract from the Brooklyn "Eagle."

[See Inclosure in No. 13.]

*Government House, Victoria, British Columbia,
August 26, 1886.*

(Extract.)

I have the honour to report that a few days since I received a telegram from Mr. Mason, Acting British Consul at San Francisco, to the following effect:—

"'Caroline' and 'Thornton' seized by United States' steamer 'Corwin' for illegal sealing; about twenty men from them put on board 'St. Paul' arrived here last night; they ask me for protection and to send them to Victoria. Advise me what to do. They are not charged with anything."

Upon receipt of this I arranged with the owners of the "Caroline" and "Thornton" for the return of the men here, and they arrived on the 23rd.

The "Caroline" and "Thornton," belonging to different owners, are sloops owned here and fitted out here for the prosecution of seal fishing in the North Pacific and Behring's Sea. It seems from the accounts given that they were peaceably pursuing their vocations and not within 70 miles of land when they were seized by United States' Revenue steamer "Corwin," as above stated. Some of the men were shipped to San Francisco; the sloops and their masters are retained in some Alaska port.

I inclose a cutting from a newspaper published here, which gives as correct an account of the matter as we have at present, and also a statement of the facts relating to the transfer to the United States of the Russian-American possessions and of the lease and

concessions granted by the Government of the United States to the Company above mentioned.

The matter has been already laid before the Honourable the Minister of Marine and Fisheries, who opportunely arrived here a few days after my receiving information of it; but I beg to call your earnest attention to it, so that, the whole case being laid before the Imperial authorities, steps may be taken not only to cause reparations to be made for the outrage committed, but to definitely prevent any possible repetition of it.

THE SEALING SCHOONER SEIZURES.

As the late seizures of an American and three British sealing schooners by an American Revenue cutter in the Behring's Sea are almost certain to lead to international complications on account of the extravagance of the assumption upon which those seizures were made, a brief history of the events which led up to them will be acceptable at the present time.

In March 1867 a Treaty was made between Russia and the United States, by which Russia ceded all its possessions in British North America to the Government of the United States. One of the terms of that Treaty declared that the western limit, within which the territories and dominion conveyed are contained, passes through a point in Behring's Straits on the parallel of 65° 30' north latitude at its intersection by the meridian which passes midway between the Islands of Krusenstern or Ignalook, and proceeds due north without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly south-west through Behring's Sea, so as to pass midway between the north-west point of St. Lawrence and the south-east point of Cape Choukotski to the meridian of 172° west longitude, thence from the intersection of that meridian in a south-westerly direction so as to pass midway between the Island of Attou and the Copper Island of the Kormandorski couplet or group in the North Pacific Ocean to the meridian of 193° west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian. So far, so good.

In July 1870, in the 2nd Session of the 41st Congress, an Act was passed entitled "An Act to prevent the Extermination of Fur-bearing Animals in Alaska," in which the number of seals to be killed for their skins was limited on St. Paul's and St. George's Islands to 75,000 per annum on each island, with power by the Secretary of the Treasury to further limit the number if necessary, and giving that official power to lease for rental mentioned in this Act, to proper and responsible parties, to the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, the parties hitherto engaged in trade, and the protection of the seal fisheries, for a term of twenty-five years from May 1870, the right to engage in taking seals on the Islands of St. Paul and St. George. Another section declares that any person who shall kill any fur-seals on either of the said islands, or in the waters adjacent thereto, without authority from the lessees thereof, or interfere with them in the lawful prosecution of their duty, shall be deemed guilty of a misdemeanour, and shall for each offence or conviction be punished, and all their vessels, tackle, apparel, appurtenances, and cargo shall be forfeited to the United States. In the month following the passage of this Act, that is in August 1870, a lease called the Seal Island Lease was executed between the United States' Government and the Alaska Commercial Company, a Corporation established in California. In return for the exclusive privilege of taking for twenty years (with certain restrictions) fur-seals in the Islands of St. Paul and St. George, the lessees agreed to pay the Government an annual sum of 55,000 dollars, 2 dol. 62½ c. for each seal-skin taken, 55 cents for each gallon of seal-oil sold, and to annually provide the natives with a certain quantity of provisions and fuel. The months of June, July, September, and October were, moreover, the only months during which the capture of the seals could be prosecuted. Under this lease or Concession this Company has perpetuated its monopoly for sixteen years, reaping a vast profit therefrom. Not satisfied with the prolific source of its supply, and the facilities afforded it for engaging in the business, the Company has sought and practically succeeded in controlling the fur-seal market by its aggressiveness in pretending to construe the term "and the waters adjacent thereto" as meaning that vast sea of waters included in the limits of cession named in the Russo-American Treaty of 1867. In this interpretation it has received the unrelaxed support of the United States' Government, whose interests in the matter are identical with those of the Company; and here it may be remarked that the royalty paid by the latter furnishes a handsome profit upon the purchase-money of Alaska Territory. One or two American Revenue cutters are always cruising in the

Behring's Sea and that portion of the North Pacific to the south of the Aleutian Islands, ever on the alert to prevent any vessels but those of the Alaska Commercial Company from capturing seals there. Meeting with no effectual opposition, and the cost of litigation precluding any chances of success for the appellant, the Government has become more and more aggressive, until finally, changing from a defensive to an offensive supervision, their action has culminated in the deliberate seizure of three British sailing schooners upon, whatever a national greed may declare to the contrary, the high and open seas, recognized by international law as part of the world's great highway, free to the commerce of all countries, and a natural means of intercourse of all nations.

It is laid down as one of the first principles of maritime and commercial international law that the open sea or main ocean is, like the atmosphere, free for common use to all mankind, and cannot be appropriated by any State to the exclusion of the others. Bearing in mind the huge improbability of the act of the Revenue cutter not being in consonance with Governmental orders, what do we find? That a nation, disregarding on one coast the the belt of the sea littoral which constitutes the range belonging to coast defence, is actually assuming on another coast supreme maritime jurisdiction over a waste of waters comprising half the northern part of a vast ocean. In the exercise of this self-arrogated authority foreign mercantile vessels are forcibly seized and, with their cargoes, are declared confiscated, while with an unaccountable magnanimity the crews, after being landed at an American port many hundred miles distant from the scene of their capture, are allowed to go at large. It may be advanced that if open to indiscriminate capture the fur-seal would have ere this become extinct, or nearly so. But though this has been the case with the seal in the southern regions it is a fact, which, deplorable as it may be, would furnish a most flimsy excuse to a Government whose regulation of the industry in Alaskan waters is prompted not by philanthropy, but by strictly mercenary considerations. So far has this latter disposition carried them as to cause them to become responsible for an act which, if committed by a vessel privately manned and owned, would bear but one interpretation. As it is, the act is one that is rash, aggressive, and, in the face of what is known, bitterly unjust, and is already spoken of as an unworthy means of reprisal for the late seizures made by Canada of American fishing-vessels on the Atlantic coast. The sealing schooners when seized were over 70 miles from any land, and how, with this fact before them, the United States' Government can attempt, with any show of reason, to justify the conduct of the Commander of the "Corwin," it is difficult to imagine. With that evidence we have at hand, the seizures and detention are manifestly illegal, and representations of the affair through the proper official channels have already been forwarded to the Home Government. Britain is not belligerent, the strength she possesses—imparted by the commerce she conducts in every quarter of the globe—she does not misuse.

Mr. Munroe to Mr. Spring, August 7, 1886.

[See Inclosure 4 in No. 7.]

Dear Sir,

Victoria, British Columbia, November 15, 1886.

As our sealing schooners will leave Victoria on or about the 10th December for the sealing expeditions of 1887, many of them will not return to Victoria until September, or, in other words, not until the Behring's Sea trip is completed. We are, accordingly, anxious to know what is being done in the case of our seized vessels, and whether or not we may look for protection against what we and even the American press is pleased to term piracy. We have no occasion to interfere with the Alaska Commercial Company's rights on the Priboloff Islands, nor do our vessels come anywhere near land. The fact is, we take out at sea from 50 to 100 miles what the Honourable H. Elliot, of the Smithsonian Institute, in his Report of 1874 on the Seal Islands, calls "batchelor seals," or those not required on breeding-grounds, to which Report I would be pleased to call your attention.

The industry is of too much importance to Canada to allow the Alaska Commercial Company to dictate who shall and who shall not take seals on the high or Behring's Sea. For the season of 1886 there was brought into Victoria from the Pacific Ocean and Behring's Sea, and shipped therefrom to England and the United States, 50,000 skins, valued at about 350,000 dollars. It is evident that the business is worth protecting.

Just here allow me to contradict a statement made by Special Agent Single, of the United States' Treasury Department, in which he says that three-fourths of the seals shot in the water sink and are lost. From the experience of our hunters I maintain but a small percentage is lost in this way, probably not over one in fifty. I doubt if the loss

is as great as that caused by the rejection of skins after being clubbed by the Alaska Commercial Company on the islands, to which reference is made in the 'Tables of Elliot's Report.

The Americans themselves in 1824 repudiated Russia's claim to the Behring's Sea when Russia seized the Boston brig "Pearl" for whaling. Two years later Russia had to give the vessel up, and paid damages.

In conclusion, I may say that the seized skins are liable to be valueless on account of neglect.

Captain Ogilvie's body has been discovered; a jury was empanelled, and a verdict was given in accordance with the facts of the case.

Hoping you may be pleased to advise us in this matter before our vessels sail, you will confer a great favour on your most obedient servant.

(Signed) WM. MUNSLIE.

The Honourable George E. Foster,
Minister of Marine and Fisheries.

No. 23.

The Earl of Iddesleigh to Sir L. West.—(Substance telegraphed.)

Sir,

Foreign Office, January 8, 1887.

REFERRING to previous correspondence in regard to the case of the three Canadian schooners engaged in the seal fishery in Behring's Sea, I transmit to you herewith a copy of a letter from the Colonial Office, with a despatch, and its inclosures, from the Governor-General of Canada, explaining the views of the Dominion Government in the matter.*

Nearly four months have now elapsed since my despatch of the 9th September last was addressed to you, in which you were directed to invite the Government of the United States to furnish you with any particulars they might possess relative to the occurrence; and further instructions were sent to you in my subsequent despatches of the 20th, 21st, and 30th October and the 18th November, but up to the present date no reply has been received from that Government as to the alleged proceedings of their officials.

I have now to instruct you to express to Mr. Bayard the concern of Her Majesty's Government at receiving no reply to the serious representations which they have felt compelled to make on the information which has reached them respecting the proceedings of the United States' cruizer "Corwin" in seizing British sealing schooners on the high seas, and to urge, with all the force which the gravity of the case requires, the immediate attention of the United States' Government to the action of the American authorities in their treatment of these vessels, and of their masters and crews.

I am, &c.

(Signed) IDDESLEIGH.

No. 24.

Sir L. West to the Earl of Iddesleigh.—(Received January 21.)

My Lord,

Washington, January 10, 1887.

I HAVE the honour to acknowledge the receipt of your Lordship's telegram of the 8th instant, and to inclose to your Lordship herewith copy of a note which I immediately addressed to the Secretary of State, referring to my notes of the 27th September, 21st October, and 7th December last, and to your Lordship's despatch of the 30th October, copy of which I placed in his hands on the 12th November, and expressing the sense in which Her Majesty's Government viewed his silence with regard to the communications which had been made to him respecting the seizure of British vessels in Behring's Sea.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 24.

Sir L. West to Mr. Bayard.

Sir,

Washington, January 9, 1887.

I HAVE the honour to inform you that I have received instructions from the Earl of Iddesleigh, Her Majesty's Principal Secretary of State for Foreign Affairs, again to

bring to your notice the grave representations made by Her Majesty's Government respecting the seizure of the British vessels "Carolina," "Onward," and "Thornton" in Behring's Sea, by the United States' cruiser "Corwin," to which no reply has as yet been returned.

On the 27th September last I had the honour to address to you a note in which I stated that Her Majesty's Government requested to be furnished with any particulars which the United States' Government might possess relative to this occurrence.

On the 21st October last I had the honour to inform you that I was instructed by the Earl of Iddesleigh to protest, in the name of Her Majesty's Government, against such seizures, and to reserve all rights to compensation.

In a note dated the 12th November last you were good enough to explain the delay which had occurred in answering these communications, and, on the same day, I had the honour to communicate to you a despatch from the Earl of Iddesleigh, a copy of which, at your request, I placed in your hands.

On the 7th ultimo I again had the honour to address you, stating that vessels were equipping in British Columbia for fishing in Behring's Sea, and that the Canadian Government were desirous of ascertaining whether such vessels fishing in the open sea, and beyond the territorial waters of Alaska, would be exposed to seizure, and that Her Majesty's Government would be glad if some assurance could be given that, pending the settlement of the questions, no such seizures of British vessels would be made in Behring's Sea.

The vessels in question were seized at a distance of more than 60 miles from the nearest land at the time of their seizure. The master of the "Thornton" was sentenced to imprisonment for thirty days, and to pay a fine of 500 dollars, and there is reason to believe that the masters of the "Onward" and "Carolina" have been sentenced to similar penalties.

In support of this claim to jurisdiction over a stretch of sea extending in its widest part some 600 or 700 miles from the mainland, advanced by the Judge in his charge to the jury, the authorities are alleged to have interfered with the peaceable and lawful occupation of Canadian citizens on the high seas, to have taken possession of their ships, to have subjected their property to forfeiture, and to have visited upon their persons the indignity of imprisonment. Such proceedings therefore, if correctly reported, would appear to have been in violation of the admitted principle of international law. Under these circumstances, Her Majesty's Government do not hesitate to express their concern at not having received any reply to their representations, nor do they wish to conceal the grave nature which the case has thus assumed, and to which I am now instructed to call your immediate and most serious attention.

It is unnecessary for me to allude further to the information with which Her Majesty's Government has been furnished respecting these seizures of British vessels in the open seas, and which, for some time past, has been in the possession of the United States' Government, because Her Majesty's Government do not doubt that if, on inquiry, it should prove to be correct, the Government of the United States will, with their well-known sense of justice, admit the illegality of the proceedings resorted to against the British vessels and the British subjects above mentioned, and will cause reasonable reparation to be made for the wrongs to which they have been subjected, and for the losses which they have sustained.

In conclusion, I have the honour again to refer to your note of the 12th November last, and to what you said verbally to me on the same day, and to express the hope that the cause of the delay complained of in answering the representations of Her Majesty's Government on this grave and important matter may be speedily removed.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 25.

Sir L. West to Her Majesty's Secretary of State, Foreign Office.—(Received January 26.)

My Lord,

Washington, January 13, 1887.

WITH reference to my despatch of the 7th instant, I have the honour to inclose to your Lordship herewith copy of a note which I have received from the Secretary of State in answer to my communication expressing the concern of Her Majesty's Government at receiving no reply to their representations respecting the seizure of British vessels in Behring's Sea.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 25.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, January 12, 1887.

YOUR note of the 9th instant was received by me on the next day, and I regret exceedingly that, although my efforts have been diligently made to procure from Alaska the authenticated copies of the judicial proceedings in the cases of the British vessels "Carolina," "Onward," and "Thornton," to which you refer, I should not have been able to obtain them in time to have made the urgent and renewed application of the Earl of Iddesleigh superfluous.

The pressing nature of your note constrains me to inform you that on the 27th September last, when I received my first intimation from you that any question was possible as to the validity of the judicial proceedings referred to, I lost no time in requesting my colleague the Attorney-General, in whose Department the cases were, to procure for me such authentic information as would enable me to make full response to your application.

From week to week I have been awaiting the arrival of the papers, and to-day, at my request, the Attorney-General has telegraphed to Portland, in Oregon, the nearest telegraph station to Sitka, in Alaska, in order to expedite the furnishing of the desired papers.

You will understand that my wish to meet the questions involved in the instructions you have received from your Government is avowed, and that the delay has been enforced by the absence of requisite information as to the facts.

The distance of the vessels from any land, or the circumstances attendant upon their seizure, are unknown to me, save by the statements in your last note, and it is essential that such facts should be devoid of all uncertainty.

Of whatever information may be in the possession of Her Majesty's Government I have, of course, no knowledge or means of knowledge, but this Department of the Government of the United States has not yet been placed in possession of that accurate information which would justify its decision in a question which you are certainly warranted in considering to be of grave importance.

I shall diligently endeavour to procure the best evidence possible of the matters inquired of, and will make due response thereupon when the opportunity of decision is afforded to me.

You require no assurance that no avoidance of our international obligations need be apprehended.

I have, &c.

(Signed) T. F. BAYARD.

No. 26.

The Marquis of Salisbury to Sir L. West.

Sir,

Foreign Office, January 27, 1887.

WITH reference to your despatch of the 13th instant, I have to request you to make a point of inquiring from time to time whether the United States' Government have received the expected information with regard to the seizures of British vessels engaged in seal-fishing in Behring's Sea.

I am, &c.

(Signed) SALISBURY.

No. 27.

Sir L. West to the Marquis of Salisbury.—(Received by telegraph, February 4.)

My Lord,

Washington, February 4, 1887.

HAVING reason to believe that the President was about to take some action in the case of the seizure of British vessels in Behring's Sea, I addressed a note, copy of which is inclosed, to the Secretary of State, after the receipt of your Lordship's telegram of the 27th ultimo, inquiring whether the United States' Government had received the information and papers connected therewith; and I now have the honour to inclose copy of a note which I have received in reply thereto, stating that the papers in question were expected within a fortnight, and informing me that in the meanwhile, without conclusion at

this time of any questions involved, orders have been issued by the President for the discontinuance of all pending proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith, which information I telegraphed to your Lordship this day.

Since the receipt of the Earl of Iddesleigh's telegram of the 6th December last I have from time to time endeavoured to obtain a decision in the sense of the note now addressed to me, which, as far as it goes, will, I trust, be considered by Her Majesty's Government as a satisfactory result.

In accordance with the instruction contained in the above-mentioned telegram, I have communicated this result to the Governor-General of Canada.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 27.

Sir L. West to Mr. Bayard.

Sir,

Washington, February 2, 1886.

I HAVE the honour to inform you that, under date of the 27th ultimo, the Marquis of Salisbury instructs me to inquire whether the information and papers relative to the seizure of the British schooners "Carolina," "Onward," and "Thornton" have reached the United States' Government.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure 2 in No. 27.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, February 3, 1887.

I BEG to acknowledge your note of yesterday's date, received to-day. Upon its receipt I made instant application to my colleague the Attorney-General in relation to the record of the judicial proceedings in the cases of the three British vessels arrested in August last in Behring's Sea for violation of the United States' Laws regulating the Alaskan seal fisheries.

I am informed that the documents in question left Sitka on the 26th January, and may be expected to arrive at Port Townsend, in Washington Territory, about the 7th instant, so that the papers, in the usual course of mail, should be received by me within a fortnight.

In this connection, I take occasion to inform you that, without conclusion at this time of any questions which may be found to be involved in these cases of seizure, orders have been issued, by the President's direction, for the discontinuance of all pending proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith.

I have, &c.

(Signed) T. F. BAYARD.

No. 28.

Colonial Office to Foreign Office.—(Received February 9.)

Sir,

Downing Street, February 8, 1887.

WITH reference to previous correspondence respecting the seizure of Canadian sealing schooners in Behring's Sea, I am directed by Secretary Sir H. Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch, with its inclosures, from the Governor-General of Canada on the subject.

Sir H. Holland will be glad to be informed of any action which Lord Salisbury may think proper to take upon this despatch, in order that the Marquis of Lansdowne may be apprised accordingly.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 28.

The Marquis of Lansdowne to Mr. Stanhope.

Sir, *Government House, Ottawa, January 15, 1887.*

WITH reference to previous correspondence respecting the seizure of Canadian sealing schooners in Behring's Sea, I have the honour to transmit to you, in order that reparation may be sought from the United States' Government, a copy of an approved Report of a Committee of the Privy Council of Canada, submitting papers containing full statements of claims for damage sustained and compensation demanded by the owners, masters, and mates of the schooners "Onward," "Thornton," and "Carolina."

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 28.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 3rd January, 1887.

ON a Report dated the 27th December, 1886, from the Minister of Marine and Fisheries, submitting papers containing full statements of claims for damage sustained and compensation demanded by the owners, masters, and mates of the sealing schooners "Onward," "Thornton," and "Carolina," which vessels were seized by the United States' Revenue cutter "Corwin" in Behring's Sea in August 1886, and concerning which full representations have been made to Her Majesty's Government in despatches bearing date respectively the 23rd and 24th September and the 29th November, 1886, and recommending that copies of the same be transmitted to the Right Honourable the Principal Secretary of State for the Colonies, in order that reparation may be sought from the United States' Government for all damages and loss to British subjects consequent upon the illegal action of the United States' officers in the cases referred to:

The Committee, concurring in the above, advise that your Excellency be moved to transmit copies of the papers accordingly.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE, Clerk,
Privy Council.

Documents annexed to preceding Report.

The Claim of Daniel Munroe, Master of the British Schooner "Onward."

I claim against the Government of the United States, or whom it may concern, the sum of 8,000 dollars for loss of wages, lay-out, damages, and indemnity for illegal seizure of the schooner "Onward" by the Commander of the United States' steamer "Corwin" in Behring's Sea on the 1st August, 1886, or thereabouts, and for detention and subsequent wrongful imprisonment in gaol at Sitka.

(Daniel Munroe, by his Attorney in fact),
(Signed) EDGAR CROW-BAKER.

Victoria, British Columbia, October 20, 1886.

The Claim of Hans Guttormsen, Master of the British Schooner "Thornton."

I claim against the Government of the United States, or whom it may concern, the sum of 8,000 dollars for loss of wages, lay-out, damages, and indemnity for illegal seizure of the schooner "Thornton" by the Commander of the United States' steamer "Corwin" in the Behring's Sea on the 1st August, 1886, and for detention and subsequent wrongful imprisonment in gaol at Sitka.

(Hans Guttormsen, by his Attorney in fact),
(Signed) EDGAR CROW-BAKER.

Victoria, British Columbia, October 20, 1886.

Damages claimed by the owner of Schooner "Carolina" in respect of her Seizure by the United States' Steam-ship "Corwin" while fishing in Behring's Sea.

British Columbia, to wit.

I, William Munsie, of Victoria, British Columbia, owner of the British schooner "Carolina," do solemnly and sincerely declare:—

1. That the value of the said vessel at the time of her seizure by the United States' steam-ship "Corwin" was 4,000 dollars, and the cost of her outfit, when she left Victoria for the Behring's Sea, was 3,000 dollars.

2. That she carried a crew of eleven men, and the estimated wages due to the master and men for four months from the 15th day of May, 1886, to the time of the return of the said men to Victoria is 4,500 dollars.

3. That at the time of her capture by the "Corwin" she had 686 seal-skins, which were worth, at 7 dollars each, 4,802 dollars.

4. That the probable catch for the season, estimated from the number of skins taken by the schooner "Mary Ellen," which was 3,554 skins, and by the number of skins taken when the said schooner was captured, would be 3,000 skins, the value of which would be 21,000 dollars.

5. That the loss sustained by me in consequence of the detention of the said schooner, and my being unable to employ her in ordinary work after the sealing season is over, is 450 dollars a-month, which sum I claim until the vessel is returned home in good order and condition.

6. That I have also paid and incurred liabilities connected with the arrest of the said vessel, and in defence of the master and crew, for legal and other expenses, 1,000 dollars.

And I make this solemn declaration, conscientiously believing the same to be true, by virtue of the Act passed in the 37th year of Her Majesty's reign, intituled "An Act for the Suppression of Voluntary and Extra-judicial Oaths."

(L.S.)

(Signed)

WILLIAM MUNSIE.

Taken and declared before me this 20th October, 1886.

(Signed)

M. W. TYRWHITT DRAKE,

Notary Public, Victoria, British Columbia.

Damages claimed by the Owner of the "Onward" and "Favourite" in respect of their Seizure by the United States' Steam-ship "Corwin" while fishing in Behring's Sea.

British Columbia, to wit.

I, Charles Spring, of Victoria, British Columbia, owner of the British schooners "Onward" and "Favourite," do solemnly and sincerely declare:—

1. That the value of the said vessel "Onward" at the time of her seizure by the United States' steam-ship "Corwin" was 4,000 dollars, and the cost of the outfit when she left Victoria for the Behring's Sea was 1,000 dollars.

2. That she carried a crew of twenty men, and the estimated wages due to the master and men for four months from the 12th day of June to the time of their return to Victoria is 7,500 dollars.

3. That at the time of her capture by the "Corwin" she had 400 seal-skins, which were worth 2,800 dollars.

4. That the probable catch for the season estimated on the number of skins taken by other schooners, and by the number of skins taken when the said schooner was captured, would be 3,000 skins, the value of which, at 7 dollars a skin, would be 21,000 dollars.

5. That the loss sustained by me in consequence of the detention of the said schooner, and my being unable to employ her in ordinary work after the sealing season, is over 500 dollars a-month, which sum I claim until the vessel is returned to me in good order and condition.

6. That I have also paid and incurred liabilities connected with the arrest of the said vessel, and in defence of the master and crew for legal and other expenses, 1,000 dollars, and I also claim 3,000 dollars damages, because the officer in command of the United States' steam-ship "Corwin" as she passed the "Favourite" ordered her to cease sealing, which she did, and thereby lost her season.

And I make this solemn declaration, conscientiously believing the same to be true, by

virtue of an Act passed in the 37th year of Her Majesty's reign, intituled "An Act for the Suppression of Voluntary and Extra-judicial Oaths."

(L.S.)

(Signed)

C. SPRING.

Taken and declared before me this 18th October, 1886.

(Signed)

M. W. TYRWHITT DRAKE,

Notary Public, Victoria, British Columbia.

Damages claimed by the Owner of the Steam-vessel "Thornton" for illegal Seizure by the United States' Steam-ship "Corwin" while fishing in Behring's Sea.

British Columbia, to wit.

I, James Douglas Warren, of Victoria, British Columbia, owner of the British steam-vessel "Thornton," do solemnly and sincerely declare:—

1. That the value of the said vessel at the time of her seizure by the United States' steam-ship "Corwin" was 6,000 dollars, and the cost of her outfit when she left Victoria for the Behring's Sea was 4,000 dollars.

2. That she carried a crew of fifteen men, and the estimated wages due to the master and men for four months from the 26th day of May to the 1st day of October, the date of their return to Victoria, which I have to pay, is 5,100 dollars.

3. That at the time of her capture by the "Corwin" she had 403 seal-skins, which, at 7 dollars each, were worth 2,821 dollars.

4. That the probable catch for the season, estimated on the number of skins taken by the schooner "Mary Ellen," and by the number of skins taken when the said vessel was captured, would be 3,000, of the value of 21,000 dollars.

5. That the loss sustained by me in consequence of the detention of the said vessel, and by being unable to employ her in ordinary work after the sealing season is over, is 500 dollars a-month, which sum I claim until the vessel is returned to me in good order and condition.

6. That I have also paid and incurred liabilities connected with the arrest of the said vessel, and defence of the master and crew for legal and other expenses, 1,000 dollars.

And I make this solemn declaration, conscientiously believing the same to be true, by virtue of the Act passed in the 37th year of Her Majesty's reign, intituled "An Act for the Suppression of Voluntary and Extra-judicial Oaths."

(L.S.)

(Signed)

J. D. WARREN.

Taken and declared at Victoria this 19th October, 1886, before me.

(Signed)

M. W. TYRWHITT DRAKE,

Notary Public.

Victoria, British Columbia.

I, James Blake, mate of the schooner "Carolina," claim 5,000 dollars as damages for my illegal arrest and imprisonment on board the "Corwin" and in goal at Sitka from the 1st August to the 16th September, 1886.

(Signed)

JAMES BLAKE.

Witness:

(Signed)

M. W. TYRWHITT DRAKE.

Victoria, British Columbia.

I, John Margotich, mate of the schooner "Onward," claim 5,000 dollars as damages for my illegal arrest and imprisonment on board the United States' vessel "Corwin" and in gaol at Sitka from the 23rd August, 1886, to the 29th September in the same year.

(John Margotich, by his Attorney),

(Signed)

C. SPRING.

Witness:

(Signed)

M. W. TYRWHITT DRAKE.

Victoria, British Columbia.

I, Harry Norman, mate of the steamer "Thornton," claim as compensation for my illegal arrest and imprisonment on board the United States' steam-ship "Corwin" and in gaol at Sitka, the sum of 5,000 dollars, dated the 19th October, 1886.

(Harry Norman, by his Attorney),

(Signed) J. D. WARREN.

October 19, 1886.

Witness:

(Signed) M. W. TYRWHITT DRAKE.

Victoria, British Columbia.

I, James Ogilvie, master of the schooner "Carolina," claim as compensation for my arrest and imprisonment on board the United States' steam-ship "Corwin" and in gaol at Sitka, the sum of 5,000 dollars, dated the 19th October, 1886.

(James Ogilvie, by his Attorney),

(Signed) A. J. BECKTIL.

October 19, 1886.

Witness:

(Signed) M. W. TYRWHITT DRAKE.

Abstract of Damages.

Damages as per Declaration.	Schooner "Onward."	Steam-ship "Thornton."	Schooner "Carolina."	Schooner "Favourite."
	Dollars.	Dollars.	Dollars.	Dollars.
Value of vessel and outfit	5,000	10,000	7,000	..
Wages of crew	7,500	5,100	4,500	..
Value of seal-skins on board	2,800	2,821	4,802	..
Value of probable catch	21,000	21,000	21,000	..
Loss sustained by detention, para. 5 ..	..	..	..	..
Legal and other expenses	1,000	1,000	1,000	..
Loss sustained by order to cease sealing ..	..	..	..	3,000

For illegal Arrest and Imprisonment.

	Dollars.
Daniel Munroe, master of "Onward," for indemnity for illegal seizure, loss, &c.	8,000
John Margotich, mate of "Onward," ..	5,000
Harry Norman, mate of "Thornton," ..	5,000
James Ogilvie, master of "Carolina," ..	5,000
James Blake, mate of "Carolina," ..	5,000
Hans Guttormsen, master of "Thornton," ..	8,000

No. 29.

Foreign Office to Colonial Office.

Sir,

Foreign Office, February 14, 1887.

I HAVE laid before the Marquis of Salisbury your letter of the 8th instant, forwarding a copy of a despatch, with its inclosures, from the Governor-General of Canada, relating to the claims for damages sustained and compensation demanded by the owners, masters, and mates of the British schooners "Onward," "Thornton," and "Carolina," which were seized by the United States' Revenue cruiser "Corwin" last August, while engaged in seal fishing in Behring's Sea.

In reply, I am directed by his Lordship to request that you will suggest to Sir H. Holland that it might be desirable to defer laying these claims before the Government of the United States until Her Majesty's Government have had an opportunity of examining the statement as to the circumstances under which the seizures took place which is referred to in Sir L. West's telegram of the 4th instant, communicated to you on the following day.

I am to add that, should this suggestion meet with Sir H. Holland's concurrence, instructions will be sent accordingly to Sir L. West.

I am &c.
(Signed) JULIAN PAUNCEFOTE.

No. 30.

Sir L. West to the Marquis of Salisbury.—(Received February 15.)

My Lord, Washington, January 30, 1887.

I HAVE the honour to transmit herewith the Report of the Governor of Alaska for the year 1886.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 30.

Extract from the Report of the Governor of Alaska for the Fiscal Year 1886.

Protection of Fur Seal and Sea Otter.

THE capture of one American and three British vessels while engaged in taking seals in the inland waters of Alaska by the Revenue cutter "Corwin" has no doubt been fully reported by her zealous and meritorious Commander, Captain C. A. Abbey, to the proper Department, and but for the fact that the officers and crews were brought to Sitka, and, together with the captured property, turned over to the United States' Marshal, the subject might not be considered one within the province of this Report. The masters and mates of the several vessels were tried at a special term of the District Court, and all convicted and sentenced to brief terms of imprisonment, and three of them to payment of fines ranging from 300 dollars to 500 dollars each.

The terms of imprisonment of all save the master of the American vessel having very nearly expired on the 29th September, on the urgent request and recommendation of the honourable Judge of the District Court before whom the convictions were had, I granted respites in the several cases, save the exception noted, and the prisoners were released and allowed to depart for their several homes. They were without means, and, had they been detained until the expiration of their sentences, would have become objects of charity among strangers until the sailing of the next monthly steamer.

As these seizures have most probably raised an international question involving the right of the United States to exclusive jurisdiction over the waters of the Behring's Sea north of the Aleutian Islands and east of the 193rd meridian west longitude, it may not be unbecoming in me to suggest that unless that right is insisted upon and maintained, an industry which now yields a revenue equal to a fair rate of interest on the amount paid for the whole of Alaska will not only be destroyed, but the means of livelihood will likewise be taken away from a large number of people whom the Government is bound by every consideration of honour and public policy to protect. I can conceive of no other plan by which the seal fisheries can be preserved than the one long ago adopted and now in vogue; whether they ought not now to be yielding a very much larger revenue to the Government is a question to be discussed a year or two hence. It is reasonably certain, however, that unless our Government asserts and maintains the jurisdiction ceded to it by Russia, the Seal Islands will in a very few years be robbed of all present or prospective value to any one.

It is just as essential to the preservation of this industry that the seals be protected against indiscriminate slaughter while on their way to and from their breeding places as that the number to be taken on the islands should be limited, and every necessary restriction imposed as to age, sex, and the mode of killing. The use of fire-arms is prohibited by law, even to the natives, in the killing of seal and other fur-bearing animals in Alaskan waters and on the islands thereof, and it would be a manifest act of injustice to them to permit either foreign or American vessels to enter and engage in the indiscriminate shooting of such animals in waters over which the United States claims and exercises

exclusive jurisdiction and control. Unless our right to such jurisdiction be waived or abandoned, seals once in Behring's Sea are as much the property of the United States as the islands themselves, and should be no less zealously guarded than are the Newfoundland cod-banks by the Dominion of Canada. Unless so guarded, chartered rights will not only be impaired, but a source of large and perpetual revenue to the Government utterly destroyed.

But there are other than selfish reasons why the United States should insist upon its right to exclusive jurisdiction over the waters of Behring's Sea as far west as the boundary line described in the Treaty of Cession. The principal occupation of the inhabitants, some 10,000 or 12,000 in number, of the islands therein and adjacent thereto, is sea-otter hunting, an occupation which will be completely destroyed if its waters are thrown open to all who choose to enter. It is manifestly the duty of the Government to protect these people in the enjoyment of rights which to them are inherent; an abandonment of the jurisdiction claimed by us would be practically assenting that the people in question may be driven from their homes and the employment by which they and their fathers for generations remote have obtained a livelihood.

Transportation Facilities needed.

In the foregoing connection I desire to call attention to the imperative necessity which exists for some means of transportation for the officials of the Civil Government to and from the different parts of the Territory. In the present condition of affairs the Marshal can only reach a very few points to serve the processes of the Court, and in each and every case must undergo an enforced absence of at least a month. The civil officials are charged with the responsibility of enforcing the laws, and yet are not furnished with the means absolutely necessary to enable them to do so. The authorities at Washington do not seem to realize the fact that there are no waggon or other roads in Alaska, and that all travel must necessarily be by water. Crimes are reported from the various places of settlement, but the executive officers have no available means of going from place to place to make arrests and enforce the laws. Smuggling is carried on, distilled spirits are being surreptitiously imported into the Territory in spite of the decision of the District Court, thousands of dollars' worth of dutiable merchandize is imported across the border from British Colombia, and we are powerless to prevent any of these things.

If a sprightly Revenue cutter could be stationed here with orders to cruize in the inland waters of South-eastern Alaska, and give aid to the Civil Government, by carrying its officers to points necessary to be visited by them on official business, bringing witnesses and jurors, &c., I am reasonably certain the lawlessness now so prevalent could be broken up, the Government's revenues secured, the laws enforced, and life and property rights fully protected. Until something is done in this direction to enable the officials to perform their duties, civil government in Alaska will be little better than a ridiculous farce.

The following letter, addressed to me by the District Attorney, fully explains the necessity of the case, and how it may be provided for without detriment, but rather to the advantage of the Revenue Marine Service:—

“(District of Alaska, District Attorney's Office.)

“ Sir,

“ Sitka, September 20, 1886.

“As the official charged with the institution of the initiatory judicial proceedings against parties becoming liable to answer for breach of the laws in this district, I desire to call your attention to a most serious want in the facilities necessary to enable the officers of the Court to perform their duty effectively.

We are, as matters now stand, entirely dependent on the line of monthly mail-steamers from Port Townsend, Washington, to Sitka, for any certain or regular means of getting to or from other places in the district, being thus not only limited in communication to three or four other Settlements, but also forced to an absence from Sitka of not less than one and possibly two months in any event in which it becomes necessary to visit them. Besides this, there are many Settlements where important business enterprises are located needing protection, which we are not able to visit at all.

“At one of these, Newchuk, some 300 or 400 miles up the coast to the west, a trader was brutally murdered by Indians last December. Valuable mineral discoveries have just been made in that section which it is proposed very soon to develop, and there are large fishing establishments near and trading posts from which appeals have been sent to such officials as could be reached, to have the case inquired into and the offenders punished.

The facts in this case are undoubted, and action by the authorities most essential to the interests and protection of all residents. There is also a report of a murder at the Island of Unga, but not yet fully confirmed. There is certainly need of inquiry into certain larcenies and other lawless acts at Kadiak.

"I am utterly powerless to institute the necessary examinations into these cases, in order to bring the parties to justice, and my inability and that of the Court to punish them must continue until we have the means of reaching those localities furnished us.

"Another case is in point: There are now lying at Ounalaska three English schooners, seized for violation of our laws against killing fur-bearing animals within the Territory. The cargoes of these and one other schooner, consisting of over 2,000 seal-skins, forfeited under these laws, are stored at the same place. Under the necessary proceedings in our Court these vessels and their cargoes have been decreed forfeited, and the Marshal will be required to sell them. He is absolutely without the means of getting to Ounalaska at all unless he goes by way of San Francisco, and can only carry out the orders of the Court at the most serious inconvenience. In fact, in the absence of the needed facilities for direct intercommunication between the several sections and Settlements of this district, it is plain that the interests of the Government must greatly suffer, as they have already done, together with those of the people.

"It would be an easy and simple thing to supply this need, at no material increase of expense, in the protection of the Government's interest in Alaska, but rather to their positive advantage. A Revenue vessel stationed at Sitka, subject to the reasonable necessities of the Civil Government, could attend to all the wants occurring, without detriment to the service, necessary for the protection of the seal fisheries and the rights of the lessees of the Pribiloff Islands. Indeed, being here much nearer the waters in which such service is required than she would be at any station lower down the coast, she could perform that duty more conveniently, and at the same time would be able to put a stop to much of the smuggling and illegal importation of liquors into South-eastern Alaska which is now going on.

"There is no doubt that the service necessary in order to make the present civil and judicial government of this Territory something more than a mockery to a large portion of its area and people could be effectually rendered in this way, and the other interests which it is thought necessary to protect by the same means promoted. I trust you will, therefore, represent this necessity to our Government in your forthcoming Report. There are many ways in which it is seriously felt, but which it would be unprofitable to specify.

"Very truly yours,
(Signed) "M. D. BALL,
"United States' District Attorney.

"Hon. A. P. Swineford,
"Governor of Alaska."

The plan suggested by the District Attorney would not involve any extra expense to the Government over the present cost of the Revenue Marine Service in Alaskan waters; it only implies that Sitka be made head-quarters for the cutter which is sent every year from San Francisco for the protection of the seal fisheries and sea-otter grounds, and be given the additional duty of co-operating with the civil authorities in the way suggested.

Under such an arrangement special terms of Court could be held at Ounalaska and Kadiak during the annual cruize of the cutter, and the laws enforced over a large section of the Territory, to the people of which the Civil Government is at present a thing which exists in name only. A matter which can so easily be arranged, and yet is of such vital importance to the proper and effective administration of the Civil Government, ought, it seems to me, to merit the prompt consideration and favourable action of the proper Departments.

General Remarks and Suggestions.

It must not be inferred from what I have said concerning the need of transportation facilities, which can only be supplied without large extra expense by means of a Revenue cutter stationed here at Sitka, that the presence of a war-vessel large enough to rate a marine guard can, or ought to be, dispensed with.

A naval vessel, such as the "Pinta," or even one of the second or third rate, is very essential as a means of holding in peaceable subjection the native Settlements which have not yet yielded to civilizing influences, and to assist in restoring order in case of riot and armed resistance to the law on the part of a lawless element among the whites, such as

that which incited the recent expulsion of the Chinese from Douglas Island. There is no necessity, however, in my opinion, for keeping a marine guard on shore here at Sitka, while there is an ever-present and prospective need for the presence of such a force at Juneau. Had the war-ship and her marine guard been there at the time, I have every reason to believe the expulsion of the Chinese would not have been attempted, or, if it had been, the commanding officer would certainly have been in a position, acting in unison with the civil authorities, to prevent the mob from consummating its unlawful purpose.

The same lawless element that accomplished the forcible removal of the Chinese miners and labourers is likely at any time to demand the discharge of the natives who have been employed to fill the enforced vacancies, and in the absence of an armed force would be enabled to enforce their demand before any relief could be afforded from this point, where the only naval or military force in the Territory is now stationed—and where, I may truthfully add, its presence is not only unnecessary, but wholly useless. The native people here at Sitka are quiet and peaceable, and there is no lawless white element which cannot be held in complete subjection to the law without the aid or intervention of a military force.

The only place in the Territory where there is any prospect of lawlessness beyond the control of the civil authorities is at Juneau, and I respectfully urge that the propriety of transferring the “Pinta” and her marine guard to that point be at once brought to the attention of the honourable Secretary of the Navy.

If for any reason it is not deemed advisable to order the transfer I have suggested, then I venture the further suggestion that the marine guard now stationed here on shore at Sitka be transferred, if not to the ship where they properly belong, then into other quarters than those at present occupied by them in the building popularly known as the “Barracks.”

I submit herewith plans showing how and by whom the building is at present occupied, from which it will be seen that there is a juxtaposition of the civil and military altogether unseemly, if not wholly improper. The spectacle at the recent term of Court, when a number of British subjects were on trial, and every morning heard the beat of the drum, calling guard-mount on the portico, simultaneously with the loud proclamation of the crier announcing the opening of Court in the same building, was not one calculated to impress the strangers with an exalted opinion of our boasted free institutions. For appearance's sake, if for no other reason, this marine guard should be removed from this building in which the Courts are held, and the whole of which is needed for the accommodation of the Civil Government. But the truth is, this marine guard has no duty to perform here in Sitka, save that of guarding the few supplies necessary to its own subsistence.

Prior to the institution of civil government the naval commander of the station was, to all intents and purposes, the executive officer of the Territory, and all vessels stationed here were of a rate which entitled them to a marine guard. One-half of this guard was sent ashore to perform police duty, the officer in command exercising the functions of a police magistrate.

With a view to the continuance of this system, the “Pinta” was sent here and furnished with a marine guard of twenty-five men, under command of a Second Lieutenant, all of whom were sent ashore, the Commandant and privates performing the police duties mentioned from the date of her arrival, on the 17th August, 1884, till the 14th September following, when the newly-created Civil Government was inaugurated. Since that time the guard has had no local duties whatever to perform, and has practically been as useless as would be the fifth wheel to a waggon.

In this view of the case, I submit if room occupied by it, and which is urgently required for the use of the Civil Government, ought not to be vacated, and the guard itself transferred to the only point in the Territory where an emergency requiring the services of an armed force is likely to arise. There are buildings at Juneau belonging to the Navy Department large enough for the accommodation of a force twice its size, and I respectfully urge that the Senior Officer be ordered to make the transfer without unnecessary delay.

No. 31.

Colonial Office to Foreign Office.—(Received February 28.)

Sir,

Downing Street, February 26, 1887.

I AM directed by Secretary Sir H. Holland to acknowledge the receipt of your letter of the 14th instant, and to state that he concurs in the Marquis of Salisbury's proposal to defer, temporarily, presenting to the United States the claims to compensation advanced by the Government of Canada in respect of sailing-vessels recently seized in Behring's Sea.

I am, &c.

(Signed)

JOHN BRAMSTON.

No. 32.

Sir L. West to the Marquis of Salisbury.—(Received March 31.)

My Lord,

Washington, March 18, 1887.

I HAVE the honour to inclose to your Lordship herewith copies of a letter addressed to the President by a firm in San Francisco, engaged in the seal fishery in Behring's Sea, complaining of the pretension of the Alaska Seal Company to exclusive jurisdiction over waters 3,000 miles long and 2,700 miles wide, and setting forth the grievances resulting therefrom. Allusion is made to the case of the American vessel "Ocean Spray," which went to the Island of St. Paul in 1876 and was seized for killing seals, and to the decision of the Judge of the Circuit Court of Oregon, to the effect that the vessel had not violated the Act of Congress. The Treasury Circular of 1872 is also cited as proving that American vessels had the right to enter Behring's Sea, from which the Company sought to exclude them.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

Inclosure in No. 32.

Extract from the "New York Herald" of March 17, 1887.

(From our regular Correspondent.)

*"Herald" Bureau, Corner Fifteenth and G Streets, N.W.,
Washington, March 16, 1887.*

THE following letter, addressed to the President, has just been received:—

*"32, Clay Street, San Francisco, California,
March 2, 1887.*

"To his Excellency Grover Cleveland, President of the United States:

"Sir,

"Some respectable business men of the Pacific coast, owners of American vessels, have recently been assailed through the columns of the public press in a semi-official manner as 'marauders' and 'pirates' on the ocean, their property seized and forfeited, their business jeopardized, and their sea ventures utterly destroyed, without any reasonable or justifiable excuse or cause.

"The pretended cause is, and it is so asserted, that they have violated section 1,956 of the Revised Statutes of the United States, which forbids the killing of fur-seals or fur-bearing animals 'within' the waters of Alaska Territory, ignoring the fact whether or not they were actually engaged in the killing of seals on the high seas or had made preparations so to do outside of the waters of Alaska Territory. On mere suspicion, they and their property have been remorselessly seized in the name of the United States by officials who have been engaged for the past many months in sounding the praises of the Alaska Commercial Company throughout the land, and adding to their usurpations by vilifying their victims.

"The time seems to have come when the great interests involved in the free and legitimate shipping ventures of the merchant marine of the nation demand that official

inquiry be made into the arbitrary conduct of Government officials in Behring's Sea, in connection with the usurpation of a Company at whose instance these arbitrary acts are committed.

"This Company, one of the most stupendous organizations that ever existed in this country, and the peer of the East India and Hudson Bay Companies, was incorporated many years ago under the laws of the State of California as the Alaska Commercial Company.

"Grabbing the Ocean.

"It has taken possession of and assumed sovereign power over the most valuable fisheries of the whole United States, namely, the Alaska fisheries in Behring's Sea, and without shadow of right or authority, except a lease from the United States, dated the 3rd August, 1870, permitting it to kill 100,000 seals annually upon two small islands in Behring's Sea, at a rent of 55,000 dollars per annum, &c., has taken possession and control, not only of the Territory, but also of a vast sea 3,000 miles long by 2,700 miles wide, has made itself the Suzerain of the Government, and impressed into its service the officers and agents of the Government to maintain its possession and control of this immense territory and sea.

"Alexander the Great was not a robber, although he absorbed kingdoms, and the Alaska Commercial Company is not a 'pirate,' although it has absorbed Alaska and an ocean.

"It has established exclusive trading posts at all the available stations in that immense territory, on the coast, along the rivers, and upon the islands of Behring's Sea. It exercises absolute dominion over the natives, and holds them in a state of practical bondage. It has exterminated the seals on certain islands to prevent them from falling into the hands of other traders. Its agents have, in violation of law, defaced the silver coin of the United States with a stamp for purposes of trade, and refuse to accept any other when tendered by the natives for the purchase of the necessities of life. It has extended its dominion into Russian territory to the restriction and detriment of trade upon the whole of Behring's Sea north of latitude 53°, and by an extension of jurisdiction, unknown to modern law, has procured the seizure of vessels fishing in Russian waters, upon the assumption of encroachment upon its privileges granted by the United States under the lease to fish on the Islands of St. Paul and St. George in Alaska.

"Crimes against the Nation.

"It has designedly violated the conditions of its lease by the failure to take oil from the carcasses of the seals killed, to the damage and loss to the Government of hundreds of thousands of dollars, by throwing away millions of carcasses of seals without extracting the oil, the lease having been obtained upon an agreement to pay the Government '55 cents per gallon for oil obtained from said seals' killed by it on the leased islands. Its agents use the United States' Revenue cutters as a means of transportation, for private benefit; consult with and influence their officers, to the detriment of American vessels in the waters of Behring's Sea; it aids and abets the Indians of Ounalaska to kill by shooting from the shore, contrary to law, young seals and cows; obtains the skins and sells the salted carcasses back to the Indians; it refuses to aid American vessels in distress, by refusing to sell them provisions; it has for its paid agents officers or employés of the Government whose duty to the Government is overshadowed by the instructions of and for the benefit of the Company; it sells to the natives at high prices large quantities of condemned and worthless tobacco in violation of the internal revenue laws; it employs and pays attorneys to prosecute Government cases where American citizens are falsely and unjustly accused of crime, and, in order to maintain its supremacy over Alaska and the whole of Behring's Sea, it now seeks, by infamous prosecutions, to prevent American citizens from even traversing and fishing upon the high seas, under the absurd pretence that the waters of the whole of Behring's Sea are adjacent to the Islands of St. Paul and St. George, and claims to be molested and disturbed in their lease of said islands by fishing-vessels hundreds of miles away and beyond the boundaries of the United States.

"Monstrous Claims.

"This Company claims that the waters of Behring's Sea are within the limits of Alaska, and procures the seizure, through subservient Government officers, of every vessel that dares to traverse those waters, or is found anywhere therein on a seal-hunting voyage.

"It is immaterial to it whether vessels are found in the actual killing of seals or where the seals have been killed ; the mere presence of the vessels in Behring's Sea seems sufficient evidence to justify their seizure in any part of those waters.

"In the case of the 'Ocean Spray,' which went to the Island of St. Paul in 1876, the very stronghold of this Company, provided with all the appliances for killing seals and was seized, Judge Deady, of the United States' District Court of Oregon, a man of unquestionable learning and of high judicial and personal character, held (in 4 Saw., 105) that all these preparations, even if an intent could be shown, were not a violation of the Act of Congress. This is the only reported adjudicated case, and the strongest the Company could have.

"This vessel deliberately proceeded to, and landed its crew at, the Island of St. Paul, yet the Court held that there was no offence ; and when we consider that our vessel has been seized going to and returning from Russian waters, hundreds of miles distant from St. Paul and St. George Islands, and forfeited, and its master and crew imprisoned, we are left to conjecture that the waters adjacent to the leased islands might be stretched to include the whole of the Pacific and Atlantic Oceans, and that the power and rule of this Company extends from these islands to the city of Washington.

"As early as 1872 the Company appealed to the Government to have a Revenue cutter stationed at Ounimak Pass, in the Aleutian group, the only safe entrance to Behring's Sea, to prevent American vessels from passing into that sea ; but the Secretary of the Treasury, the Hon. George S. Boutwell, refused, upon the legal ground that vessels had a right to go there if they did not kill seals within a marine league of the shore.

"The Act of Congress contemplates this well-established doctrine when it restricts the killing of seals to the 'waters of Alaska Territory' (section 1956, Revised Statutes), and further declares, in sections 1961 and 1967, that it is not a crime to kill seals in Behring's Sea unless 'in the waters adjacent to the Islands of St. Paul and St. George.' 'Adjacent' means 'lying near, close, or contiguous,' and the waters within the marine league of the decisions are the only 'adjacent waters' there are. But, according to this Company and the officers of the Government, it means a stretch of ocean 3,000 miles long and 2,700 wide ; and under this theory of 'adjacency' the term 'pirates' includes all fishing-vessels found in that sea.

"There never has been a seizure within the waters adjacent to these islands, or of Alaska Territory, except the 'Ocean Spray,' and that vessel was released.

" International Rights ignored.

"Behring's Sea is the international highway to the Arctic Ocean, and not the private property of the Alaska Commercial Company, nor of the Government of the United States, and the Government could not concede to the Alaska Commercial Company any greater territorial right than it possessed itself, and that territorial right and jurisdiction ceases and ends at the 'marine league' of international law from the shore. Beyond this limit the ocean is the common property of the whole world, and every animal and fish in it is *feræ naturæ*, and belongs to him who takes it.

"This is the doctrine which has come down to us from antiquity and has been observed by all people, whether civilized or barbarous, except this Company and Government officials of the United States.

"A shipper or vessel-owner of the Pacific coast is in no condition to resist the power of an oppressor when his vessel is seized and beached upon an inhospitable and lawless shore, his cargo scattered to the four winds of heaven, and his crew imprisoned in an inaccessible port. The only additional requisite to make this system all-powerful seems to be the annexing of Siberia to the lease, and the transporting of these so-called pirates to its penal mines. The same theory of 'adjacency' would certainly apply.

"Through this policy of Government officers permitting this Company to extend its powers under the lease, the Government will surely lose in the end perhaps the greatest and most profitable industry in the world, namely, the seal fisheries of Alaska.

"The fishery question now agitating the New England States, and the interests involved there, are a mere bagatelle to those of the Alaska fisheries.

"It is charged that our American fishermen are exterminating the seals in Behring's Sea, and they have 'piratically,' during the season of 1886, captured 200,000 seals in excess of the number authorized to be taken by the Alaska Commercial Company at the islands. This is the statement in a letter to a San Francisco paper, dated the 20th February, 1887, of Lieutenant J. C. Cantwell, an officer employed in the United States' Revenue Service, stationed in Alaskan waters. But this is contradicted by the records of our Courts, which show that only 577 fur-seal skins were seized on American vessels last

season, and proof was offered, but not admitted, that these were caught in the Pacific Ocean; and M. Phillipens, the Russian agent of the Alaska Commercial Company, in his Report of the catch of that Company for the season of 1886, states that the Company killed 202,000 fur-seals in the waters of Behring's Sea. So that, on the testimony of the Company itself, these so-called 'piratical' American fishermen are not engaged in the work of extermination to any serious extent, but this Company is engaged in that work. The same Lieutenant Cantwell, who is an ardent (but incoherent) writer, in the same communication, states that not one-half the number of seals are killed that should be, because they are increasing so rapidly; and we feel just cause of complaint that American fishermen are arrested and their property confiscated for doing that which the Alaska Commercial Company is permitted to do in violation of a lease which restricts its catch to the Islands of St. Paul and St. George.

" Court Decisions disregarded.

" Under the decisions of our Courts, and the opinion of the Treasury Department, as given in 1872, every citizen has a right to fish for fur-seals in the waters of Behring's Sea when distant a full marine league from the shore.

" But these decisions and former rulings of the Treasury Department are disregarded, and no one except this Company is permitted to kill seals anywhere in Behring's Sea.

" At a time when Congress is making an effort to protect the fisheries of the Atlantic coast, the officers of the Government on the Pacific coast, with singular inconsistency, are destroying and preying upon the commerce of its own citizens.

" It is to be hoped that this mistaken policy of the Government officials will be changed upon investigation of their conduct and that of the lessees of the Government, and that the great injury heretofore committed, and about to be repeated, upon our fishing-vessels by them, will be prevented.

" We make this statement because we have been despoiled of our property. One of our vessels, the 'San Diego,' seized and taken to Sitka and condemned, her cargo of seal-skins, taken in the open sea, left in the care of the Alaska Commercial Company's warehouse at an island in mid-ocean; the voyage of another schooner, the 'Sierra,' broken up and destroyed; because our efforts to procure the signature of the Judge of the District Court of Alaska to a summary statement of the facts of the cases, for transmission to the Secretary of the Treasury, for a remission of the forfeiture, have been disregarded and ignored at the instigation of the Company, whose own attorney acted as special counsel for the Government in procuring said forfeiture; because our Petition and requests to the Secretary of the Treasury, made months ago for relief, and to bring said property within reach of a civilized community, to prevent its utter destruction by rot and decay, remain unnoticed and unanswered; because it is understood that large appropriations are about to be made for the purpose of enabling Revenue cruisers to continue their policy of preying upon American commerce in Behring's Sea, and guarding those waters as a closed sea. And it is respectfully suggested that the subject-matter be submitted to the Law Officers of the Government, that instructions may be issued and published by the Treasury Department to Revenue Marine officers, to guide them in the proper execution of the laws relating to Alaskan waters, so that all persons engaged in seal fishing may understand their rights in this branch of our domestic commerce.

" Impressed with the belief that we have exhausted our efforts to obtain either a hearing or redress is our apology for appealing to the Chief Executive of the nation.

" With great respect, yours, &c.

(Signed) " L. N. HANDY AND Co."

No. 33.

Colonial Office to Foreign Office.—(Received April 2.)

Sir, *Downing Street, April 2, 1887.*

WITH reference to previous correspondence, I am directed by Secretary Sir H. Holland to transmit to you, to be laid before the Marquis of Salisbury, copy of a telegram from the Governor-General of Canada inquiring whether owners of vessels now fitting out for this year's trip to Behring's Sea may depend upon being unmolested by United States' cruisers when not near land.

I am to request that inquiry may be made of the United States' Government on this

point, and that Sir H. Holland may be informed of the answer which Lord Salisbury desires should be returned to the Governor-General.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 33.

The Marquis of Lansdowne to Sir H. Holland.

(Telegraphic.)

March 31, 1887.

OWNERS of vessels now fitting out for this year's trip to Behring's Sea inquire whether they may depend upon being unmolested by United States' cruisers when not near land. Please telegraph reply.

No. 34.

The Marquis of Salisbury to Sir L. West.

Sir, Foreign Office, April 2, 1887.
I HAVE to request that you will inquire of the United States' Government whether the owners of vessels at present fitting out for this year's trip to Behring's Sea may depend upon not being molested by United States' cruisers when not near the land. You will be good enough to inform me on this subject by telegraph.

I have further to instruct you to ascertain from the United States' Government whether they have received the documents connected with the seizure of British vessels last autumn in Behring's Sea, which were referred to in your despatch of the 4th February last.

I am, &c.
(Signed) SALISBURY.

No. 35.

Sir L. West to the Marquis of Salisbury.—(Received April 11.)

My Lord, Washington, March 29, 1887.

I HAVE the honour to report to your Lordship that the United States' steam-ship "Thetis" has sailed from New York, and will proceed round Cape Horn and up the west coast to Alaska. It is reported that the Secretary of the Treasury has received a letter from the Alaska Commercial Company, complaining that private parties are taking seals in the waters about Alaska, and asking for more Revenue cutters to be sent for their protection. The Company further ask that the United States' Government should prohibit all killing of seals within the eastern half of Behring's Sea, or from a point beginning at Behring's Straits, and passing from the north-west end of St. Lawrence Island in a south-easterly direction to the Island of Attou, at the extreme westerly point of the Aleutian Archipelago.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 36.

Sir L. West to the Marquis of Salisbury.—(Received April 11.)

My Lord, Washington, April 2, 1887.

I HAVE the honour to inform your Lordship that the Commander of the United States' Revenue cutter "Gallatin" has been cited to appear before the Admiralty Court in the Boston district to answer to the allegation that in June last, while in command of the United States' steamer "Corwin," he took by force from the American schooner "Sierra" her arms and ammunition, at a point in the open sea 30 miles north of Ounalaska, while she was navigating the waters of the North Pacific Ocean on a hunting and fishing expedition, thus breaking up her voyage, to the damage of the plaintiffs of 22,500 dollars.

I have instructed Her Majesty's Consul at Boston to watch this case, and report the decision of the Court.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Sir L. West to the Marquis of Salisbury.—(Received by telegraph, April 13.)

My Lord,

Washington, April 13, 1887.

WITH reference to your Lordship's telegram of the 2nd instant, I have the honour to inclose to your Lordship herewith copy of a note which I addressed to the Secretary of State, as well as a copy of the reply thereto, stating that the records of the judicial proceedings in the cases of the British vessels seized in Behring's Sea were received at the State Department on Saturday last, and are now under examination, and that the remoteness of the scene of the fur-seal fisheries has delayed the Treasury officials in framing appropriate Regulations and issuing orders to the United States' police vessels which information I had the honour to telegraph to your Lordship this day.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

Inclosure 1 in No. 37.

Sir L. West to Mr. Bayard.

Sir,

Washington, April 4, 1887.

IN view of the approaching fishing season in Behring's Sea, and the fitting out of vessels for fishing operations in those waters, Her Majesty's Government have requested me to inquire whether the owners of such vessels may rely on being unmolested by the cruisers of the United States when not near land.

Her Majesty's Government are also desirous to know whether the documents referred to in your note of the 3rd February last, connected with the seizure of certain British vessels beyond the 3-mile limit, and legal proceedings connected therewith, have been received, and I have the honour, therefore, to request you to be good enough to enable me to reply to these inquiries on the part of Her Majesty's Government with as little delay as possible.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

Inclosure 2 in No. 37.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, April 12, 1887.

I HAVE the honour to acknowledge your note of the 4th instant, relative to the fisheries in Behring's Sea, and inquiring whether the documents referred to in my note of the 3rd February, relating to the cases of seizure in those waters of vessels charged with violating the laws of the United States regulating the killing of fur-seals, had been received. The records of the judicial proceedings in the cases in the District Court in Alaska referred to were only received at this Department on Saturday last, and are now under examination.

The remoteness of the scene of the fur-seal fisheries, and the special peculiarities of that industry, have unavoidably delayed the Treasury officials in framing appropriate Regulations, and issuing orders to United States' vessels to police the Alaskan waters for the protection of the fur-seals from indiscriminate slaughter, and consequent speedy extermination.

The laws of the United States in this behalf are contained in the Revised Statutes relating to Alaska in sections 1956-1971, and have been in force for upwards of seventeen years, and prior to the seizures of last summer but a single infraction is known to have occurred, and that was promptly punished.

The question of instructions to Government vessels in regard to preventing the indiscriminate killing of fur-seals is now being considered, and I will inform you at the earliest day possible what has been decided, so that British and other vessels visiting the waters in question can govern themselves accordingly.

I have, &c.

(Signed)

T. F. BAYARD.

Annex.

CHAPTER III.

Provisions relating to the Unorganized Territory of Alaska.

Section.

- 1954. Customs, &c., Laws extended to Alaska.
- 1955. Importation of Fire-arms and Distilled Spirits may be prohibited.
- 1956. Killing of Fur-bearing Animals prohibited.
- 1957. What Courts to have jurisdiction of offences.
- 1958. Remission of Fines, &c.
- 1959. Saint Paul and Saint George Islands declared Special Reservations.
- 1960. Killing of Seal upon them prohibited except in certain months.
- 1961. Killing of certain Seal prohibited.
- 1962. Limit to number of Seals to be killed.
- 1963. Right to take Seal may be leased.
- 1964. Bond.
- 1965. Who may lease.
- 1966. Covenants in Lease.
- 1967. Penalty.
- 1968. Penalty upon Leases.
- 1969. Tax upon Seal-skins.
- 1970. Lease may be terminated.
- 1971. Lessees to furnish Copies to Masters of their Vessels.
- 1972. Certain Sections may be altered.
- 1973. Agents and Assistants to manage Seal Fisheries.
- 1974. Their pay, &c.
- 1975. Not to be interested in right to take Seals.
- 1976. Agents may administer certain Oaths and take Testimony.

Sec. 1954. The laws of the United States relating to customs, commerce, and navigation are extended to and over all the main-land, islands, and waters of the territory ceded to the United States by the Emperor of Russia by Treaty concluded at Washington on the 30th day of March, A.D. 1867, so far as the same may be applicable thereto.

Customs, &c., Laws extended to Alaska.

27 July, 1868, c. 273, s. 1, v. 15, p. 240.

Sec. 1955. The President shall have power to restrict and regulate or to prohibit the importation and use of fire-arms, ammunition, and distilled spirits into and within the Territory of Alaska. The exportation of the same from any other port or place in the United States, when destined to any port or place in that Territory, and all such arms, ammunition, and distilled spirits, exported or attempted to be exported from any port or place in the United States and destined for such Territory, in violation of any regulations that may be prescribed under this section, and all such arms, ammunition, and distilled spirits landed or attempted to be landed or used at any port or place in the Territory, in violation of such regulations, shall be forfeited; and if the value of the same exceeds 400 dollars the vessel upon which the same is found, or from which they have been landed, together with her tackle, apparel, and furniture and cargo, shall be forfeited; and any person wilfully violating such regulations shall be fined not more than 500 dollars, or imprisoned not more than six months. Bonds may be required for a faithful observance of such regulations from the master or owners of any vessel departing from any port in the United States having on board fire-arms, ammunition, or distilled spirits, when such vessel is destined to any place in the Territory, or if not so destined, when there is reasonable ground of suspicion that such articles are intended to be landed therein in violation of law; and similar bonds may also be required on the landing of any such articles in the Territory from the person to whom the same may be consigned.

Importation and use of fire-arms and distilled spirits may be prohibited.

27 July, 1868, c. 273, s. 4, v. 15, p. 241.

Sec. 1956. No person shall kill any otter, mink, marten, sable, or fur-seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall, for each offence, be fined not less than 200 nor more than 1,000 dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur-seals, under such regulations as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur-seal, and to provide for the execution of the provisions of this section

Killing of fur-bearing animals prohibited.

27 July, 1868, c. 273, s. 6, v. 15, p. 246.

until it is otherwise provided by law; nor shall he grant any special privileges under this section.

What Courts have jurisdiction of offences.

27 July, 1868, c. 273, s. 7, v. 15, p. 241.
1 July, 1870, c. 189, s. 7, v. 16, p. 182.

Sec. 1957. Until otherwise provided by law, all violations of this chapter, and of the several laws hereby extended to the Territory of Alaska and the waters thereof, committed within limits of the same, shall be prosecuted in any District Court of the United States in California or Oregon, or in the District Courts of Washington; and the Collector and Deputy Collectors appointed for Alaska Territory, and any person authorized in writing by either of them, or by the Secretary of the Treasury, shall have power to arrest persons and seize vessels and merchandize liable to fines, penalties, or forfeitures under this and the other laws extended over the Territory, and to keep and deliver the same to the Marshal of some one of such Courts; and such Courts shall have original jurisdiction, and may take cognizance of all cases arising under this Act and the several laws hereby extended over the Territory, and shall proceed therein in the same manner and with the like effect as if such cases had arisen within the District or Territory where the proceedings are brought.

Remission of fines, &c.

27 July, 1868, c. 273, s. 8, v. 15, p. 241.

Sec. 1958. In all cases of fine, penalty, or forfeiture embraced in the Act approved the 3rd March, 1797, ch. 13, or mentioned in any Act in addition to or amendatory of such Act, that have occurred or may occur in the collection district of Alaska, the Secretary of the Treasury is authorized, if in his opinion the fine, penalty, or forfeiture was incurred without wilful negligence or intention of fraud, to ascertain the facts in such manner and under such regulations as he may deem proper without regard to the provisions of the Act above referred to, and upon the facts so to be ascertained, he may exercise all the power of remission conferred upon him by that Act, as fully as he might have done had such facts been ascertained under and according to the provisions of that Act.

Saint Paul and Saint George Islands declared special reservations.

3 Mar., 1869, Res. No. 22, v. 15, p. 348.

Sec. 1959. The Islands of Saint Paul and Saint George, in Alaska, are declared a special reservation for Government purposes; and until otherwise provided by law it shall be unlawful for any person to land or remain on either of those islands, except by the authority of the Secretary of the Treasury; and any person found on either of those islands contrary to the provisions hereof shall be summarily removed; and it shall be the duty of the Secretary of War to carry this section into effect.

Killing of seal upon them prohibited except in certain months.

1 July, 1870, c. 189, s. 1, v. 16, p. 180.

Sec. 1960. It shall be unlawful to kill any fur-seal upon the Islands of Saint Paul and Saint George, or in the waters adjacent thereto, except during the months of June, July, September, and October in each year; and it shall be unlawful to kill such seals at any time by the use of fire-arms, or by other means tending to drive the seals away from those islands; but the natives of the islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing during other months, and also such old seals as may be required for their own clothing, and for the manufacture of boats for their own use; and the killing in such cases shall be limited and controlled by such regulations as may be prescribed by the Secretary of the Treasury.

Killing of certain seal prohibited.

1 July, 1870, c. 189, s. 2, v. 16, p. 180.

Sec. 1961. It shall be unlawful to kill any female seal; or any seal less than one year old, at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to the Islands of Saint Paul and Saint George, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and every person who violates the provisions of this or the preceding section shall be punished for each offence by a fine of not less than 200 dollars, nor more than 1,000 dollars, or by imprisonment not more than six months, or by both such fine and imprisonment; and all vessels, their tackle, apparel, and furniture, whose crews are found engaged in the violation of either this or the preceding section, shall be forfeited to the United States.

Limit to number of seals to be killed.

1 July, 1870, c. 189, s. 3, v. 16, p. 180.

Sec. 1962. For the period of twenty years from the 1st July, 1870, the number of fur-seals which may be killed for their skins upon the Island of Saint Paul is limited to 75,000 per annum; and the number of fur-seals which may be killed for their skins upon the Island of Saint George is limited to 25,000 per annum; but the Secretary of the Treasury may limit the right of killing, if it becomes necessary for the preservation of such seals, with such proportionate reduction of the rents reserved to the Government as may be proper; and every person who knowingly violates either of the provisions of this section shall be punished as provided in the preceding section.

Sec. 1963. When the lease heretofore made by the Secretary of the Treasury to "The Alaska Commercial Company," of the right to engage in taking fur-seals on the Islands of Saint Paul and Saint George, pursuant to the Act of the 1st July, chapter 189, or when any future similar lease expires, or is surrendered, forfeited, or terminated, the Secretary shall lease to proper and responsible parties, for the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, their comfort, maintenance, and education, as well as to the interests of the parties heretofore engaged in trade and the protection of the fisheries, the right of taking fur-seals on the islands herein named, and of sending a vessel or vessels to the islands for the skins of such seals, for the term of twenty years, at an annual rental of not less than 50,000 dollars, to be reserved in such lease and secured by a deposit of United States' bonds to that amount; and every such lease shall be duly executed in duplicate, and shall not be transferable.

Right to take seal
may be leased.

1 July, 1870, c. 189,
ss. 4, 5, and 6, v. 16,
pp. 180, 181.

Sec. 1964. The Secretary of the Treasury shall take from the lessees of such islands in all cases a bond, with securities, in a sum not less than 500,000 dollars, conditioned for the faithful observance of all the laws and requirements of Congress, and the Regulations of the Secretary of the Treasury, touching the taking of fur-seals and the disposing of the same, and for the payment of all taxes and dues accruing to the United States connected therewith.

Bond.

1 July, 1870, c. 189,
s. 4, v. 16, p. 180.

Sec. 1965. No persons other than American citizens shall be permitted, by lease or otherwise, to occupy the Islands of Saint Paul and Saint George, or either of them, for the purpose of taking the skins of fur-seals therefrom, nor shall any foreign vessels be engaged in taking such skins; and the Secretary of the Treasury shall vacate and declare any lease forfeited if the same be held or operated for the use, benefit, or advantage, directly or indirectly, of any persons other than American citizens.

Who may lease.

1 July, 1870, c. 189,
s. 5, v. 16, p. 181.

Sec. 1966. Every lease shall contain a covenant on the part of the lessee that he will not keep, sell, furnish, give, or dispose of any distilled spirits or spirituous liquors on either of those islands to any of the natives thereof, such person not being a physician and furnishing the same for use as medicine; and every Revenue officer, officially acting as such, on either of the islands, shall seize and destroy any distilled or spirituous liquors found thereon; but such officer shall make detailed Reports of his doings in that matter to the Collector of the port.

Covenants in lease.

1 July, 1870, c. 189,
s. 5, v. 16, p. 181.

Sec. 1967. Every person who kills any fur-seal on either of those islands, or in the waters adjacent thereto, without authority of the lessees thereof, and every person who molests, disturbs, or interferes with the lessees, or either of them, or their agents or employes, in the lawful prosecution of their business, under the provisions of this chapter, shall for each offence be punished as prescribed in section 1961; and all vessels, their tackle, apparel, appurtenances, and cargo, who crews are found engaged in any violation of the provisions of sections 1965 to 1968, inclusive, shall be forfeited to the United States.

Penalty.

1 July, 1870, c. 189,
s. 5, v. 16, p. 181.

Sec. 1968. If any person or Company, under any lease herein authorized, knowingly kills, or permits to be killed, any number of seals exceeding the number for each island in this chapter prescribed, such person or Company shall, in addition to the penalties and forfeitures herein provided, forfeit the whole number of the skins of seals killed in that year, or, in case the same have been disposed of, then such person or Company shall forfeit the value of the same.

Penalty upon lessees.

1 July, 1870, c. 189,
s. 5, v. 16, p. 181.

Sec. 1969. In addition to the annual rental required to be reserved in every lease, as provided in section 1963, a revenue tax or duty of 2 dollars is laid upon each fur-seal skin taken and shipped from the Islands of Saint Paul and Saint George, during the continuance of any lease, to be paid into the Treasury of the United States; and the Secretary of the Treasury is empowered to make all needful regulations for the collection and payment of the same, and to secure the comfort, maintenance, education, and protection of the natives of those islands, and also to carry into full effect all the provisions of this chapter except as otherwise prescribed.

Tax upon seal-skins.

1 July, 1870, c. 189,
s. 6, v. 16, p. 181.

Sec. 1970. The Secretary of the Treasury may terminate any lease given to any person, Company, or Corporation on full and satisfactory proof of the violation of any of the provisions of this chapter or the regulations established by him.

Lease may be terminated.

1 July, 1870, c. 189,
s. 6, v. 16, p. 182.

Lessees to furnish copies to masters of their vessels. 1 July, 1870, c. 189, s. 4, v. 16, p. 180.

Certain sections may be altered.

1 July, 1870, c. 189, s. 8, v. 16, p. 182.

Agents and assistants to manage seal fisheries.

5 March, 1872, c. 31, s. 1, v. 17, p. 35.

Their pay, &c.

5 March, 1872, c. 31, s. 1, v. 17, p. 35.

Not to be interested in right to take seals.

5 March, 1872, c. 31, s. 1, v. 17, p. 35.

Agents may administer certain oaths and take testimony.

5 March, 1872, c. 31, s. 3, v. 17, p. 35.

Sec. 1971. The lessees shall furnish to the several masters of vessels employed by them certified copies of the lease held by them respectively, which shall be presented to the Government Revenue officer for the time being who may be in charge at the islands as the authority of the party for landing and taking skins.

Sec. 1972. Congress may at any time hereafter alter, amend, or repeal sections from 1960 to 1971, both inclusive, of this chapter.

Sec. 1973. The Secretary of the Treasury is authorized to appoint one Agent and three Assistant Agents, who shall be charged with the management of the seal fisheries in Alaska, and the performance of such other duties as may be assigned to them by the Secretary of the Treasury.

Sec. 1974. The Agent shall receive the sum of 10 dollars each day, one Assistant Agent the sum of 8 dollars each day, and two Assistant Agents the sum of 6 dollars each day while so employed; and they shall also be allowed their necessary travelling expenses in going to and returning from Alaska, for which expenses vouchers shall be presented to the proper accounting officers of the Treasury, and such expenses shall not exceed in the aggregate 600 dollars each in any one year.

Sec. 1975. Such Agents shall never be interested, directly or indirectly, in any lease of the right to take seals, nor in any proceeds or profits thereof, either as owner, agent, partner, or otherwise.

Sec. 1976. Such Agents are empowered to administer oaths in all cases relating to the service of the United States, and to take testimony in Alaska for the use of the Government in any matter concerning the public revenues.

No. 38.

Sir L. West to the Marquis of Salisbury.—(Received May 17.)

My Lord,

Washington, May 6, 1887.

WITH reference to my despatch of the 2nd April last, I have the honour to inform your Lordship that the case of the owners of the American ships seized for sealing in Behring Sea against the Captain of the United States' cruiser "Corwin" has been postponed until the Government is prepared for the defences.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 39.

Sir L. West to the Marquis of Salisbury.—(Received June 10.)

My Lord,

Washington, May 30, 1887.

I HAVE the honour to inclose to your Lordship herewith a statement which has appeared in the New York "Times," showing that the United States' Government persistently combated the pretension of Russia to absolute dominion over the Kamschatkan and Behring Seas previous to the cession of Alaska.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 39.

Extract from the New York "Times" of May 29, 1887.

NOT A LANDLOCKED SEA.—RELEASE OF THE BRITISH SEALERS JUSTIFIED.—The so-called controversy with respect to the Alaskan seal fisheries and American rights to exclusive jurisdiction over the waters of Behring Sea has recently been made the subject of more misrepresentation to the square inch than almost any other pending

topic of public discussion. It has been represented that an elaborate Conference on this question is now in progress between the State Department and the British Minister in Washington. Mr. Frederick W. Seward appears to have imbibed this impression, and has suggested several profound conundrums to be proposed by Secretary Bayard to the British Minister in the progress of the controversy. There is no Conference in progress on this matter. When the President, for reasons satisfactory to himself, ordered the release of the British sealing vessels captured by an American Revenue cutter more than 3 miles from shore in Behring Sea that action had the effect of a pardon, and closed all discussion as to the legality of the captures. But there are some historical facts in connection with the question which will probably suggest an exceedingly strong inference.

Mr. Henry W. Elliott, of the Smithsonian Institution, who is stated to have passed several seasons in the islands of the Behring Sea, and to be one of the best-informed men in the United States on the subject of jurisdiction over the waters of that "landlocked sea," as he calls it, has recently contributed to the prevailing wrong impressions two important statements, which are in direct conflict with official records easily accessible. This whole question has so important a bearing upon our present controversy with Great Britain on the subject of the Canadian fisheries and the right claimed by our Canadian neighbours to hamper the deep-sea fisheries of the United States that it is worthy of close examination. Mr. Elliott takes substantially this position:—

1. That when the Emperor of Russia, by the Ukase of 1821, declared the absolute dominion of the Russian Crown over all Russian American territory and seas and bays, including the Kamschatkan or Behring Sea, no protest was made against this assertion of authority by Russia, and none has ever been made since by any civilized Power until last year.

2. That the claim made by the United States about this period related to the North Pacific Ocean only, and that the United States never, in all the correspondence between the years 1822 and 1824, made the slightest reference to or asked for any rights or privileges in the Behring Sea.

What are the facts? A translation of the Ukase of 1821 is published in "British and Foreign State Papers," vol. ix, p. 472. It distinctly sets out that "the pursuits of commerce, whaling, and fishery, and of all other industry on all islands, ports, and gulfs, including the whole of the north-west coast of America, beginning from Behring Strait (the northern boundary of Behring Sea) to the 51st degree of northern latitude, also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands, from Behring Strait to the south cape of the Island of Urup, is exclusively granted to Russian subjects," and foreign vessels are interdicted from approaching within 100 Italian miles of the coasts and islands named under penalty of confiscation. Having this Ukase before him, John Quincy Adams, Secretary of State, on the 25th February, 1822, wrote to M. Poletica, the Russian Minister, as follows (the letter is printed in the same volume of State Papers, p. 483): "I am directed by the President of the United States to inform you that he has seen with surprise in this Edict the assertion of a territorial claim on the part of Russia, extending to the 51st degree of north latitude on this continent, and a Regulation interdicting to all commercial vessels other than Russian, upon the penalty of seizure and confiscation, the approach upon the high seas within 100 Italian miles of the shores to which the claim is made to apply." Mr. Adams adds: "To exclude the vessels of our citizens from the shores beyond the ordinary distance to which the territorial jurisdiction extends has excited still greater surprise," and he closes by asking an explanation.

M. Poletica replied, on the 28th February, 1822 (p. 487): "The Russian possessions in the Pacific Ocean extend on the north-west coast of America from Behring Strait to the 51st degree of north latitude and on the opposite side of Asia to the islands adjacent from the same strait to the 45th degree. The extent of sea of which these possessions form the limit comprehends all the conditions which are ordinarily attached to shut seas ('mers fermées'), and the Russian Government might consequently judge itself authorized to exercise upon this sea the right of sovereignty, and especially that of entirely interdicting the entrance of foreigners. But it preferred only asserting its essential rights without taking any advantage of localities."

It is interesting to look at the Map and see what the Russian claim really was. Latitude north 51° takes in the southern boundary of the Aleutian Islands to the Sea of Okhotsk. Mr. Adams, in his reply to M. Poletica (same volume, p. 488), says: "With regard to the suggestion that the Russian Government might have justified the exercise of sovereignty over the Pacific Ocean as a close sea because it claims territory both on the American and Asiatic shores, it may suffice to say that the distance from shore to shore on this sea in latitude 51° north is not less than 90° of longitude,

or 4,000 miles." He ends by saying the President is persuaded the citizens of the United States will remain unmolested in their lawful commerce, and that no effect will be given to an interdiction manifestly incompatible with their rights. This controversy was ended between the United States and Russia by a Convention signed at St. Petersburg on the 17th April, 1824, in which it was agreed that in no part of the great ocean, commonly called the Pacific Ocean or South Sea, should the respective citizens or subjects of the High Contracting Powers be disturbed or restrained, either in navigation or fishing, or resorting to the coast for the purpose of trading with the natives. Great Britain concluded a similar Treaty in 1825. This Treaty of 1824 remained substantially in force until the cession of Alaska to the United States by Russia.

The claim that Behring Sea is a "landlocked sea" with a "firm line pelagic boundary," advanced by Mr. Elliott, is manifestly absurd, in view of the fact that it is about 900 miles from the Aleutian Islands to the Asiatic coast of Russia. But, even assuming that it could have been treated as a land-locked sea at the time of the Ukase of 1821 by virtue of the possession by one Power of land on both sides, that condition ceased when Russia parted with her territory on one side, just as Great Britain was obliged to abandon her claim to territorial jurisdiction over the Bay of Fundy because the United States owned simply a headland on the other side from her possessions.

The Sea of Okhotsk is one of the seas distinctly referred to in the Ukase of 1821, which called out Adams' protest. Up to 1868, when Russia sold the Kurile Islands to Japan, this was practically a "land-locked sea, having a firm pelagic boundary," as erroneously claimed by Mr. Elliott in regard to the Behring Sea. Yet in "Diplomatic Correspondence," 1868, p. 462, there is a letter addressed by Secretary of State William H. Seward to Cassius M. Clay, our Minister to Russia, dated the 23rd December, 1867, in which Mr. Seward informed Mr. Clay that much anxiety had been created in the United States by the report that a Russian armed steamer had ordered American whaling-vessels away from the shore near Okhotsk City, in the Sea of Okhotsk, and had fired upon the ship's boat of the bark "Endeavour" of New Bedford. Mr. Seward instructed our Minister to inquire what foundation there was for this report, and what instructions had been given by the Russian Government to authorize this action.

At first the Acting Russian Minister of Foreign Affairs contented himself with claiming, not that the Sea of Okhotsk was a closed sea, but raising the same question of the 3-mile line which now forms so prominent a feature in our Canadian fishery troubles, and saying that by the laws in force the American vessel had been properly warned off, she being within that distance. (This letter is published in "Diplomatic Correspondence," 1868, p. 467.)

Subsequently, in reply to another remonstrance from Mr. Seward, stating that American whalers had been whaling in those bays unobstructed for seventeen years, M. Stoeckl, Russian Ambassador, transmits to Mr. Seward (same volume, p. 485) a copy of a Report from the Russian Minister of Marine, in which he admitted that there could not be found in the Department of Marine any trace of instructions given to Russian cruisers to take any restrictive measures touching the whaling fisheries in the Sea of Okhotsk. This ended the controversy with regard to that sea, which at this time was much more entitled to be considered an inland sea than the Behring Sea.

One illustration of still later date may be given. In "Foreign Relations," 1882, p. 447, there is a letter from Secretary of State Frelinghuysen to Mr. Hoffman, our Chargé d'Affaires at St. Petersburg, conveying a complaint of a San Francisco firm of restrictions put by the Governor of Eastern Siberia on American fishermen in the Okhotsk and Behring Seas. This was after the cession of Alaska to the United States. Mr. Hoffman (p. 452) transmits a note from M. de Giers, from which it clearly appears that the Russian Government made no pretence of treating either of those seas as closed seas.

The entire fabric of the attempted censure of the State Department for failure to maintain American interests in the Behring Sea is thus thrown to the ground. It is shown that, so far from acknowledging Behring Sea to be a closed sea, the United States has placed itself on record as vigorously opposing any such assumption, not only with regard to Behring Sea, where there was a distance of 900 miles from shore to shore, but also in regard to the Sea of Okhotsk, which might perhaps have been properly regarded as a land-locked sea. In view of these historical facts, and of the important bearing which the maintenance of this doctrine of free, untrammelled rights of commerce, navigation, and fishing on the open sea, which the United States is now engaged in maintaining in other quarters where the national interests involved are immeasurably greater, it requires no spirit of prophecy to divine that the Revenue cutters "Bear" and "Rush,"

which have been ordered by the Treasury Department from San Francisco to the Behring Sea, have probably been ordered not to repeat the mistake of capturing foreign sealers unless detected *flagrante delicto* within the unquestioned maritime jurisdiction of the United States, namely, 3 miles from shore.

Washington, May 28, 1887.

No. 40.

Colonial Office to Foreign Office.—(Received June 28.)

Sir,

Downing Street, June 27, 1887.

WITH reference to previous correspondence respecting the seizure of Canadian sealing schooners in Behring's Sea, I am directed by Secretary Sir Henry Holland to transmit to you, for such action in the matter as the Marquis of Salisbury may think proper to take, a copy of a despatch from the Governor-General of Canada, inclosing copy of an approved Report of the Privy Council respecting the action of the United States' authorities towards British subjects in these cases, and urging that full reparation may be demanded from the United States' Government.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 40.

The Marquis of Lansdowne to Sir H. Holland.

Sir,

Government House, Toronto, May 21, 1887.

WITH reference to previous correspondence on the subject of the seizure of Canadian sealing schooners in Behring's Sea, I have the honour to forward herewith a copy of an approved Minute of the Privy Council, concurring in a Report of my Minister of Marine and Fisheries, and recommending that the attention of Her Majesty's Government be called to the grave injustice done by the United States' authorities to British subjects peaceably pursuing their lawful occupations on the high seas, to the delay which has taken place in inquiring into and redressing wrongs committed, to the severe, inhospitable, and unjustifiable treatment of the officers and crews of the vessels seized, and to the serious loss inflicted upon owners of the same, in order that full and speedy reparation may be made by the United States' Government.

I have, &c.

(Signed) LANSDOWNE.

Inclosure 2 in No. 40.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 16th May, 1887.

ON a Report dated the 9th May, 1887, from the Minister of Marine and Fisheries, submitting the following *résumé* of facts, with a reference to the Canadian sealing schooners "Carolina," "Onward," and "Thornton," seized by the United States' Revenue cutter "Corwin," in Behring's Sea in the year 1886.

The above-named vessels fitted out at Victoria, British Columbia, for seal hunting in the waters of the Pacific Ocean, adjacent to Queen Victoria Islands, Queen Charlotte Islands, and Alaska.

At the time of seizure (1st and 2nd August, 1886) they were at a distance of more than 60 miles from the nearest land. They were taken possession of by the United States' cutter, and towed to the port of Oonalaska, where they were detained.

The crews of the "Carolina" and "Thornton," with the exception of the captain and one man detained at Oonalaska, were sent by steamer to San Francisco, and there turned adrift, while the crew of the "Onward" was kept at Oonalaska.

At the time of the seizure, the "Carolina" had on board 686 seal-skins, the "Onward" 900, and the "Thornton" 404. These, as well as the schooners are, so far as the Minister is aware, still at Oonalaska, in possession of the United States' authorities.

The master and mate of the "Thornton" were brought for trial before Judge Dawson,

in the United States' District Court at Sitka, on the 30th August, 1886. The evidence given by the officers of the United States' Revenue cutter went to show that this vessel was seized for the offence of taking seals in that portion of Behring's Sea ceded to the United States by Russia in 1867, being then at a distance of from 60 to 70 miles from St. George's Island.

The Judge charged the jury to the effect that, if they believed the defendants to have been sealing in the Behring Sea, east of the 193rd degree of longitude west, they should bring in a verdict of "Guilty," and assess separate fines or imprisonment.

The jury brought in a verdict of "Guilty."

The master of the "Thornton" was sentenced to thirty days' imprisonment, and to pay a fine of 500 dollars, and the mate to thirty days' imprisonment and a fine of 300 dollars. The masters and mates of the "Onward" and "Carolina" were mulcted in similar penalties.

On the 23rd and 24th September, 1886, Orders in Council were approved by his Excellency, the Governor-General, setting forth the above facts, and representing the injustice to which Canadian citizens engaged in a peaceable and lawful occupation on the high seas had been subjected, in spite of admitted principles of international law, and in direct opposition to the United States' contention of what constitutes common waters on the Atlantic coasts, and copies thereof were forwarded to Her Majesty's Government, with a request that immediate reparation be demanded from the United States' Government.

On the 12th November, 1886, Mr. Bayard informed Sir L. West that he was awaiting full and authentic reports of the trial and Judgment in the cases of these seizures before further discussing the matter.

On the 8th January, 1887, the Earl of Iddesleigh addressed Sir L. West, deprecating the delay which had taken place in securing the particulars, calling upon him to urge, with all the force which the gravity of the cases demanded, the immediate attention of the United States' Government to the action of the American authorities in their treatment of these vessels, mates, and crews, and directing him to seek assurance that pending a settlement of the question, no seizures of British vessels would be made beyond the territorial waters of Alaska.

On the 9th January, 1887, Sir L. West wrote to Mr. Bayard, reviewing the whole case, and urging immediate action. On the 12th of the same month Mr. Bayard replied, explaining the reasons of the delay, and stating that every possible dispatch had been made in order to procure the necessary papers.

On the 3rd February Mr. Bayard informed Sir L. West that the documents relative to these seizures left Sitka on the 26th January, and might be expected to reach him within a fortnight. In the meantime, he informed the British Minister that orders had been issued for the discontinuance of all pending proceedings, the discharge of the vessels, and the release of all persons under arrest in connection with these seizures, and that the conclusion of any questions involved must be reserved until the papers relating thereto had arrived.

On the 4th February Sir L. West communicated the above information to his Excellency the Governor-General.

The Minister further states that from information received from the owners of the seized vessels, and from the Collector of Customs at Victoria, British Columbia, he learns that James Ogilvie, an old man and master of the "Carolina," was arrested along with the masters and mates of the "Onward" and "Thornton," and brought into Court for trial, but that before sentence was pronounced he was suffered to wander away in the woods, where he died from want and exposure; that the other masters and mates after remaining several months in prison were released by order of the Governor of Alaska, and turned adrift literally destitute to find their way as best they could to their homes 1,500 miles distant, and which could be reached only by a long and costly sea voyage; that the owners of the condemned vessels have received no intimation from the United States' authorities of the release of their vessels or the restoration of the valuable cargo of seal-skins and equipments on board, and that they have no information as to the condition in which their property is at the present time.

The owners are thus left in complete uncertainty as to when or where their property is to be restored, and anticipate serious damage, if not total loss, to their vessels from the tremendous gales which during the past winter have swept the North Pacific coasts. They also state that, knowing well as they do the character of the Indians in that vicinity, and apprehending that no very vigilant watch has been kept over their property, they fear that everything movable will have been carried away. If they are compelled to receive the vessels at Oonakaska, where they have been detained, it will necessitate the chartering of a steamer,

with men and supplies, at great expense and a round voyage of some 3,000 miles in order to bring them to Victoria.

The consequent damage and loss to vessels and cargoes through detention, and the heavy cost which will be entailed in bringing them to the home port, the owners consider good grounds for claiming consideration from the United States' authorities when the question of reparation is being settled.

The Committee concurring in the foregoing Report of the Minister of Marine and Fisheries advise that your Excellency be moved to call the attention of Her Majesty's Government again to the grave injustice done by the United States' authorities to British subjects, peaceably pursuing their lawful occupations on the high seas, and to the great delay which has taken place in inquiring into and redressing the wrongs committed to the severe, inhospitable, and unjustifiable treatment of the officers and crews of the vessels seized, and to the serious loss inflicted upon owners of the same, in order that full and speedy reparation may be made by the United States' Government.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE, Clerk,
Privy Council, Canada.

Inclosure 3 in No. 40.

Mr. Hamley to Mr. Tilton.

Sir, Custom-House, Victoria, April 23, 1887.

IN reply to your letter of the 15th instant, I beg to state that none of the masters or mates of the vessels seized in Behring's Sea in August last remain now in imprisonment. When the vessels were condemned the Judge, Mr. Dawson, sentenced masters and mates to fines, which were never paid, and to different terms of imprisonment. Ogilvie, master of the "Carolina," an old man, was arrested and brought into Court, but before the sentence was pronounced he wandered away into the woods and died there.

The others, after serving a time in prison, were released by an order of the Governor and turned loose literally destitute, to find their way home in any way they could. The vessels themselves, "Carolina," "Onward," and "Thornton," are now, as far as we know, in Oonalaska, but unless they have been properly taken care of, which in such a place seems scarcely probable, they must during the winter months have suffered greatly, even if they are still in existence. The skins taken from them are, we believe, stored in the Alaska Fur Company's warehouses at Oonalaska; the guns and ammunition were taken to Sitka, and are in the care of the United States' Marshal.

The chronometers and charts of two of the vessels were left in Oonalaska with the vessels. The chronometer of the other, with one or two boats, was taken, we were told, as evidence to Sitka.

No notice whatever respecting the release of the vessels or the delivery of their equipments or of the skins has been received by the owners. No word of any description has been conveyed to them by the United States' authorities.

I have, &c.
(Signed) W. HAMKEY.

Inclosure 4 in No. 40.

Messrs. Carne and Mansie to Mr. Tilton.

Dear Sir, Victoria, B.C., April 14, 1887.

YOUR advice of 2nd instant is to hand. In reply, would say we have not been advised whether the vessels are to be returned to us at Victoria, or are we to incur the expense and risk of taking them from Oonalaska, and accept the skins in the condition they may be found, as an offset in full against the amounts set opposite them in our claims. The expense and risk of getting them to Victoria will be great, as there is no direct way of transferring men and supplies a distance of 1,500 miles.

It will necessitate the chartering of a steamer, and, owing to the tremendous gales in the North Pacific the past winter, the vessels may be very seriously damaged, if not totally lost. Knowing the Indians as we do we anticipate everything movable will be carried away.

The vessels and skins are left in the care of not too friendly a concern, namely, the Alaska Commercial Company's agent, *alias* the United States' Marshal.

Remaining, &c.
(Signed) CARNE AND MANSIE.

No. 41.

Foreign Office to Colonial Office.

Sir, *Foreign Office, July 8, 1887.*

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 27th ultimo relating to the case of the seizure of certain British vessels when engaged in seal-fishing last autumn in Behring's Sea.

In reply, I am to request that you will state to Sir H. Holland that, in Lord Salisbury's opinion, it is very desirable that, before any further representations are made to the United States' Government with a view to obtaining reparation, Her Majesty's Government should be in possession of the records of the judicial proceedings in the District Court in Alaska, and instructions have been sent by telegraph to Sir L. West directing him to request that he may be furnished with these documents by the United States' Government for the use of Her Majesty's Government.

I am further to request that this Department may be supplied with a copy of the papers which have been laid before the Canadian Parliament in regard to this question.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 42.

The Marquis of Salisbury to Sir L. West.

Sir, *Foreign Office, July 9, 1887.*

REFERRING to your despatches of the 13th April and the 6th and 30th May last, and to previous correspondence, I transmit, for your information, a copy of a further letter from the Colonial Office relating to the question of the seizure last autumn of certain British vessels when engaged in seal-fishing in Behring's Sea.*

Before giving you further instructions in regard to this matter, I should be glad to have the opportunity of examining the records of the judicial proceedings in the District Court in Alaska, and I request that you will at once apply to the United States' Secretary of State, and ask that these documents may be furnished to you for the use of Her Majesty's Government.

I am, &c.
(Signed) SALISBURY.

No. 43.

Sir L. West to the Marquis of Salisbury.—(Received July 22.)

My Lord, *Washington, July 12, 1887.*

WITH reference to your Lordship's telegram of the 8th instant, I have the honour to transmit herewith printed copies of the judicial proceedings in the United States' District Court for the District of Alaska in the several cases of the schooners "Onward," "Carolina," and "Thornton," proceeded against on a charge of killing fur-seal in Alaska.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 43.

IN THE UNITED STATES DISTRICT COURT, FOR THE DISTRICT OF ALASKA.

The United States, Libellant, v. The Schooner "Thornton," her Tackle, &c.—On Libel of Information for being engaged in the Business of killing Fur-seal in Alaska.

Transcript of Record.

ON the 28th day of August, 1886, was filed the following Libel of Information :—

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF ALASKA.
AUGUST SPECIAL TERM, 1886.

To the Honourable Lafayette Dawson, Judge of said District Court :

THE libel of information of M. D. Ball, Attorney for the United States for the District of Alaska, who prosecutes on behalf of said United States, and being present here in Court in his proper person, in the name and on behalf of the said United States, against the schooner "Thornton," her tackle, apparel, boats, cargo, and furniture, and against all persons intervening for their interest therein, in a cause of forfeiture, alleges and informs as follows :—

That Charles A. Abbey, an officer in the Revenue Marine Service of the United States, and on special duty in the waters of the district of Alaska, heretofore, to wit, on the 1st day of August, 1886, within the limits of Alaska territory, and in the waters thereof, and within the civil and judicial district of Alaska, to wit, within the waters of that portion of Behring Sea belonging to the said district, on waters navigable from the sea by vessels of 10 or more tons burden, seized the ship or vessel, commonly called a schooner, the "Thornton," her tackle, apparel, boats, cargo, and furniture, being the property of some person or persons to the said Attorney unknown, as forfeited to the United States, for the following causes :—

That the said vessel or schooner was found engaged in killing fur-seal within the limits of Alaska Territory, and in the waters thereof, in violation of section 1956 of the Revised Statutes of the United States.

And the said Attorney saith that all and singular the premises are and were true, and within the Admiralty and maritime jurisdiction of this Court, and that by reason thereof, and by force of the Statutes of the United States in such cases made and provided, the afore-mentioned and described schooner or vessel, being a vessel of over 20 tons burden, her tackle, apparel, boats, cargo, and furniture, became and are forfeited to the use of the said United States, and that said schooner is now within the district aforesaid.

Wherefore the said Attorney prays that the usual process and monition of this honourable Court issue in this behalf, and that all persons interested in the before-mentioned and described schooner or vessel may be cited in general and special to answer the premises, and all due proceedings being had, that the said schooner or vessel, her tackle, apparel, boats, cargo, and furniture may, for the cause aforesaid, and others appearing, be condemned by the definite sentence and decree of this honourable Court, as forfeited to the use of the said United States, according to the form of the Statute of the said United States in such cases made and provided.

(Signed) M. D. BALL,
United States' District Attorney for the District of Alaska.

Whereupon forthwith issued the following monition :—

District of Alaska, Sect.,

The President of the United States of America to the Marshal of the District of Alaska, greeting :—

Whereas a libel of information hath been filed in the District Court of the United States for the District of Alaska, on the 28th day of August, in the year 1886, by M. D. Ball, United States' Attorney for the district aforesaid, on behalf of the United States of America, against the schooner "Thornton," her tackle, apparel, boats, cargo, and furniture, as forfeited to the use of the United States for the reasons and causes in said libel of information mentioned, and praying the usual process and monition of the said Court in that behalf to be made, and that all persons interested in the said schooner "Thornton," her tackle, apparel, boats, cargo, and furniture, &c., may be cited in general

and special to answer the premises, and all proceedings being had, that the said schooner "Thornton," her tackle, apparel, boats, cargo, and furniture may, for the causes in the said libel of information mentioned, be condemned as forfeited to the use of the United States.

You are therefore hereby commanded to attach the said schooner "Thornton," her tackle, apparel, boats, cargo, and furniture, to detain the same in your custody until the further order of the Court respecting the same, and to give notice to all persons claiming the same, or knowing or having anything to say why the same should not be condemned and sold pursuant to the prayer of the said libel of information, that they be and appear before the said Court to be held in and for the District of Alaska, on the 4th October, 1886, at 10 o'clock in the forenoon of the same day, if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to interpose a claim for the same, and to make their allegations in that behalf.

And what you shall have done in the premises do you then and there make return thereof, together with this writ.

Witness the Honourable Lafayette Dawson, Judge of said Court, and the seal thereof affixed at the City of Sitka, in the District of Alaska, this 28th day of August, in the year of our Lord 1886; and of the Independence of the United States, the 111th.

(Seal.)

ANDREW T. LEWIS, *Clerk.*

On September 6, 1886, was filed the following affidavit:—

IN THE UNITED STATES' DISTRICT COURT IN AND FOR THE DISTRICT OF ALASKA,
UNITED STATES OF AMERICA.

The United States of America v. the Schooner "Thornton."

United States of America, District of Alaska, ss.

C. A. Abbey, being duly sworn, deposes and says:—

That he is, and at all times hereinmentioned was, a Captain in the United States' Revenue Marine, and in command of the United States' Revenue-cutter "Corwin."

That affiant and the following named officers of said "Corwin" are material and necessary witnesses for the United States in the above entitled action: J. C. Cantwell, Lieutenant; J. U. Rhodes, Lieutenant; J. H. Douglass, pilot.

That owing to scarcity of provisions and fuel upon said cutter "Corwin," the said "Corwin" and deponent and said witnesses will be obliged to and are about to go to sea within five days, and out of the district in which the said case is to be tried, and to a greater distance than 100 miles from the place of trial of said action before the time of said trial.

That there is urgent necessity for taking the depositions of affiant and said witnesses forthwith.

That Hans Guttormsen was master, and in possession of said schooner "Thornton" at the time of seizure thereof.

(Signed)

C. A. ABBEY.

Subscribed and sworn to before me, this 6th day of September, 1886.

(Signed)

ANDREW T. LEWIS, *Clerk.*

On the same day was entered the following order:—

In the Matter of the United States v. Schooner "Thornton," Case No. 50; Schooner "Carolina," Case No. 51; Schooner "Onward," Case No. 49; Schooner "San Diego," Case No. 52.

In the above entitled actions urgent necessity and good cause appearing therefor from the affidavits of C. A. Abbey, now on motion of M. D. Ball, United States' District Attorney for Alaska, and Counsel for the United States herein, it is ordered that the depositions of the witnesses C. A. Abbey, J. W. Howison, J. C. Cantwell, J. U. Rhodes, J. H. Douglass, C. T. Winslow, Albert Leaf, C. Wilhelm, Thos. Singleton, and T. Lorensen be taken before the Clerk of the said District Court on Tuesday, the 7th day of September, 1886, at 7 o'clock p.m., or as soon thereafter as the matter can be reached at the office of said Clerk at Sitka, Alaska; and if not completed on said evening, then

the taking of said depositions to be continued by said Clerk, from time to time, until completed. That notice of the time and place of taking said depositions be served by the Marshal of said district on Hans Guttormsen, James Blake, Daniel Munroe, and Charles E. Raynor, and upon W. Clark, Esq., Attorney at Law, or or before the 7th September at 12 A.M., and that such shall be due and sufficient and reasonable notice of the taking of said depositions.

Done in open Court this 6th day of September, 1886, now at this time W. Clark, Esq., being present in Court, waives service of notice.

On the 7th day of September, 1886, was filed the following notice and return :—

IN THE UNITED STATES' DISTRICT COURT IN AND FOR THE DISTRICT OF ALASKA,
UNITED STATES OF AMERICA.

The United States of America v. the Schooner "Thornton."

To Hans Guttormsen greeting : you are notified that by order of Lafayette Dawson, Judge of said District Court, the depositions of C. A. Abbey, J. C. Cantwell, J. U. Rhodes, and J. H. Douglas will be taken before the Clerk of said District Court at his office in Sitka in said district on Tuesday, the 7th September, 1886, at 7 o'clock P.M., or as soon thereafter as the matter can be reached, and if not completed on said evening, the taking of said depositions will be continued by said Clerk from time to time until completed.

Dated the 7th September, 1886.

(Signed) ANDREW T. LEWIS, *Clerk.*

United States of America, District of Alaska, ss.

This is to certify that on the 7th day of September, 1886, before 12 o'clock noon of that day, I served the annexed notice on the within-named Hans Guttormsen, at Sitka, District of Alaska, by then and there personally delivering to said Hans Guttormsen a copy of said notice ; and then and there gave him the privilege of being present at the taking of said depositions.

Dated the 9th September, 1886.

(Signed) BARTON ATKINS,
United States' Marshal.

On the 10th September, 1886, were filed the following depositions :—

IN THE UNITED STATES' DISTRICT COURT IN AND FOR THE DISTRICT OF ALASKA,
UNITED STATES OF AMERICA.

The United States v. the Schooner "Thornton," No. 50.

Depositions of witnesses sworn and examined before me on the 7th day of September, 1886, at 7 o'clock P.M. of said day, and on the 8th and 9th September, 1886, thereafter, at the Clerk's Office of said Court in Sitka, District of Alaska, United States of America, by virtue and in pursuance of the order of the said Court, made and entered in the above entitled action on the 6th September, 1886, directing that the testimony and depositions of said witnesses be taken before me at said first-mentioned time and place, and at such subsequent times as the taking of the same might be continued to by me, in said action then and there pending in said District Court between the United States as plaintiff and the schooner "Thornton" as defendant, on behalf and at the instance of the said plaintiff the United States, and upon notice of the time and place of the taking of said depositions served upon Hans Guttormsen, the Captain of the said schooner, and in possession thereof at the time of seizure, and upon W. Clark, Esq., his Attorney, the owners thereof being unknown and without the jurisdiction of this Court.

Captain C. A. Abbey, being duly sworn, deposes and says :—

Q. State your name and occupation.—A. Captain C. A. Abbey, in the United States' Revenue Marine Service, at present in command of the United States' Revenue steamer "Corwin," on special duty in Alaskan waters, for the protection of the Seal Islands and of the Government interests in Alaska generally.

Q. What were you doing and what occurred on the 1st day of August last in the line of your duty?—A. I was cruising in Behring Sea about 70 miles south-south-east from St. George Island, in about latitude _____ and longitude _____. I found the four boats of the British steam-schooner "Thornton," of Victoria, British Columbia, engaged in killing fur-seal. Each boat had in her from three to eight freshly killed seal, arms, and ammunition, rowers, and hunters, who stated that they belonged to the said schooner "Thornton," and were engaged in taking or killing fur-seal. Some of them, if not all, were seen shooting at the fur-seal which were swimming in their neighbourhood. On this evidence, I caused the vessel to be seized by Lieutenant Cantwell, took her in tow, and proceeded with her to Oonalaska, where I placed the vessel, cargo, tackle, furniture, and appurtenances in charge of Deputy United States' Marshal Isaac Anderson, of Oonalaska, the cargo of fur-seal skins being stored in "Keuch," in one of the warehouses of the Alaska Commercial Company, and under seal. One boat of the "Thornton" was sent to Sitka by the schooner "San Diego," and placed in custody of the United States' Marshal at Sitka. All of this property is now in the custody of the United States' Marshal at Sitka, including her arms and ammunition, which I brought to Sitka on the "Corwin."

Q. Was this the vessel against which the libel of information is filed?—A. It is.

Q. Did this all occur within the waters of Alaska and the Territory of Alaska, and within the jurisdiction of this Court?—A. It did.

Q. Did this occur within the waters of the sea navigable for vessels of 10 tons burden or over?—A. It did.

(Signed) C. A. ABBEY.

Subscribed and sworn to before me this 9th day of September, A.D. 1886, after having been read over by me to deponent.

(Seal.) ANDREW T. LEWIS, Clerk,
United States' District Court.

Lieutenant John C. Cantwell, being duly sworn, deposes and says:—

Q. State your name, occupation, and age.—A. John C. Cantwell, Third Lieutenant United States' Revenue Marine Service, at present on duty United States' Revenue steamer "Corwin," and over the age of 21 years.

Q. Were you so on the 1st day of August last?—A. I was.

Q. State what occurred on that day in the line of your duty.—A. I saw a small boat on the port bow; we came up to her, and found she had about eight fur-seal aboard. The men in the boat were armed with breech-loading rifles. In answer to the Commanding Officer, the men admitted they were killing fur-seal. Shortly after we picked up a second boat, and then sighted the schooner "Thornton." There were dead seal in the second boat. I did not examine the other boats; I was sent on board the schooner, saw Hans Guttormsen apparently acting as captain, and Henry Norman as mate. I asked them what they were doing? The captain replied, "Catching seals." I signalled this to Captain Abbey, who directed me to seize her, which I did, and the "Corwin" took the schooner in tow. The fur-seal in the boats were bleeding, and must have been killed within a few hours.

Q. How many men were on board of the "Thornton" at the time of seizure?—A. About fifteen.

Q. Was this a reasonable number for ordinary purposes of commerce and navigation?—A. It was an unusually large number for the size of the vessel.

Q. Do you recognize this paper?—A. I do. It is the official inventory made by me of the furniture, tackle, and cargo of the schooner "Thornton" (inventory embraces the usual furniture, rigging, nautical instruments, boats and stores of a vessel of this class, with a cargo of 403 seal-skins, 3 seal-pup skins, and 1 hair seal-skin, and they are receipted for by I. Anderson, Deputy United States' Marshal, Oonalaska, the 14th August, 1886); the item 403 seal-skins mentioned in the inventory are fur seal-skins: this inventory gives a full and correct list of all the furniture, tackle, and cargo of said vessel, with the exception of the following: arms and ammunition, octant, and one chronometer. There is one boat belonging to the "Thornton" that was sent down on the "San Diego" and included in the inventory of the "San Diego." The "Thornton" had four boats.

(Signed) JOHN C. CANTWELL, 3rd Lieutenant,
United States' Revenue Marine.

Subscribed and sworn to before me this 9th day of September, A.D. 1886, after having been read over by me to deponent.

(Seal.) **ANDREW T. LEWIS, Clerk,**
United States' District Court.

John U. Rhodes, being duly sworn, deposes and says:—

Q. State your name, age, and occupation?—*A.* John U. Rhodes, over 21 years of age, and Lieutenant in the United States Revenue Marine, and attached to the Revenue steamer "Corwin," and was so on the 1st August, 1886.

Q. State what happened on the last-named day in connection with the schooner "Thornton"?—*A.* I was on the "Corwin" at the time the "Thornton" was seized on that day. We first picked up a boat bearing the name "Thornton;" it had about eight dead fur-seal in it, the men in the boat had breech-loading rifles: we afterwards picked up another boat, and then sighted the schooner "Thornton," and went on board, and was put in charge of her. We afterwards picked up two more boats; the men in the boats claimed that the boats belonged to the "Thornton," and were put on board of her. There were between fifteen and twenty dead fur-seal on deck and one hair-seal. These seal were most of them bleeding and evidently recently killed. The captain and several of the hunters said they had killed twenty-one, I think it was, fur-seals that day, and would have got more if they had had more daylight and if the cutter had not come up.

Q. Do you recognize these papers?—*A.* I do. This paper marked (Ex. "G") is the clearance paper of the schooner "Thornton" (this paper represents the British steam-schooner "Thornton," Hans Guttormsen, master, 22·30 tons, navigated with fifteen men, bound for the Pacific Ocean, Behring Sea, and Okhotsk Sea, on a hunting and fishing voyage, as having cleared from Victoria, British Columbia, the 15th May, 1886). This paper marked (Ex. "H") is her bill of health (issued same date and place with clearance). I found these papers in the schooner "Thornton" at the time of seizure, and then took possession of them.

Q. What was the list of arms and ammunition found aboard the schooner "Thornton" at the time of seizure?—*A.* Four rifles, 6 shot-guns, 867 shot-gun cartridges, 420 rifle-gun cartridges, 108 lbs. powder, 1 keg powder partly filled, 2 bags bullets, 11 bags buck-shot, 5 boxes wads, 3½ boxes primers.

Q. What has become of these arms and ammunition?—*A.* They were delivered to the United States' Marshal at Sitka, and are now in his custody.

(Signed) **JOHN U. RHODES, Lieutenant,**
United States' Revenue Marine.

Subscribed and sworn to before me this 8th day of September, A.D. 1886, after having been read over by me to the deponent.

(Seal.) **ANDREW T. LEWIS, Clerk,**
United States' District Court.

John U. Rhodes, being duly sworn, deposes and says:—

Q. State your name, age, and occupation?—*A.* John U. Rhodes, Lieutenant United States' Revenue Marine, at present on duty on the United States' Revenue steamer "Corwin," and over the age of 21 years.

Q. State what nautical instruments, if any, were seized on the schooner "Thornton" except such as are included in her general inventory?—*A.* One chronometer, No. 1374, made by Kessels, and one octant.

Q. What has become of this property?—*A.* I turned it over to the United States' Marshal at Sitka, and it is now in his custody.

(Signed) **JOHN U. RHODES.**

Subscribed and sworn to before me this 9th day of September, A.D. 1886, after having been read over by me to deponent.

(Seal.) **ANDREW T. LEWIS, Clerk,**
United States' District Court.

J. H. Douglass, being duly sworn, deposes and says:—

Q. State your name, age, and occupation?—*A.* J. H. Douglass, am over the age of 21 years, am a pilot in the Revenue Marine Service of the United States, and have been

so for the seven years last past. I am now and on the 1st August, 1886, was pilot on the Revenue steamer "Corwin."

Q. State what occurred on the last-named day in connection with the schooner "Thornton"?—A. We sighted a boat on our port bow and soon after saw another boat, steamed to the first boat and ordered her to come alongside, which she did. The name "Steamer Thornton" was on the stern of the boat. There were two or three men in the boat with arms, and six or eight dead fur-seal, which had the appearance of having been lately killed. I asked the men what luck they had had. One of them replied, "We have six or eight, but not as good as some days." We took possession of the boat and contents by order of Captain Abbey. We then picked up the second boat, finding it engaged in the same business, then we sighted a schooner drifting without sail or steam, which proved to be the steam-schooner "Thornton." On coming up with her she was seized by order of Captain Abbey and taken in tow. We then picked up two more boats belonging to the "Thornton," having dead fur-seal on board. This was in Behring's Sea, about 65 miles south-east from St. George's Island, and about 500 or 600 miles to the eastward of the western boundary-line of Alaska Territory.

Q. State what experience you have had in the fur-sealing business, and your knowledge of the habits of the fur-seal?—A. I have been cruising for more than fifteen years off and on in Alaskan waters, always as an officer or pilot, and have visited the Pribiloff Islands, St. Paul and St. George, several hundred times, and am perfectly familiar with the sealing business as conducted on those islands, and understand the migrating habits of the fur-seals. From about the 1st May to about the 1st July of each year the fur-seal is migrating north, and mostly through the Unimak and Akutan Passes to these islands for breeding purposes. They go to no other place in the known world except these islands and Copper Island for breeding purposes.

After the breeding season of about a month they begin to migrate south, and until November of each year are migrating south through Behring's Sea. During this season, from May till November, the fur-seal are plenty in the waters adjoining the Pribiloff Islands, and are migrating to and from these islands, and are at all times very plenty between Unimak Pass and said islands in a track about 30 miles wide, which seems to be their highway to and from said islands. The schooner "Thornton" and her boats when seized were directly on this track.

(Signed) J. H. DOUGLASS.

Subscribed and sworn to before me this 8th day of September, A.D. 1886, after having been read over by me to deponent.

(Seal.) ANDREW T. LEWIS, Clerk,
United States' District Court.

IN THE UNITED STATES' DISTRICT COURT IN AND FOR THE DISTRICT OF ALASKA,
UNITED STATES' OF AMERICA.

The United States v. the Schooner "Thornton." No. 50.

Whereas, on the 6th day of September, 1886, the said District Court duly made and entered in the journal of said Court an order in the above-entitled action, directing that the testimony and depositions of the witnesses: C. A. Abbey, J. C. Cantwell, J. U. Rhodes, and J. H. Douglass be taken before me, the Clerk of said Court, at the time or times and place, and upon such notice as was specified in said order.

Now, therefore, this is to certify:—That in pursuance of said order, on the 7th September, 1886, at 7 P.M., each and all of the above-named witnesses appeared before me at the Clerk's office of said Court at Sitka, District of Alaska, United States of America: that M. D. Ball, Esq., District Attorney of said Court and District, and W. H. Payson, Esq., appeared then and there on behalf of and as attorneys and proctors for the United States; the libellant herein; and W. Clark, Esq., then and there appeared on behalf of, and as Attorney and Proctor for the said schooner and her owners herein; and Hans Guttormsen then and there appeared in pursuance of notice served upon him.

That I was unable to complete the taking of said depositions on said 7th day of September, 1886, and I continued the taking thereof on the 8th and 9th September, 1886, and completed the same on said last-named day. That the said parties by their said Attorneys and Proctors then and there appeared, and were present on each of said last-named days, and at all times during the taking of said depositions. That each of said witnesses was first duly cautioned and sworn by me, then and there, that the evidence he

should give in said action, should be the truth, the whole truth and nothing but the truth, and thereafter each of said witnesses was then and there examined before me, and I then and there took down the statement and testimony of each of said witnesses, and reduced the same to writing in his presence, and then and there read the same over to him; and he then and there, after the same had been so reduced to writing and read over to him, subscribed the same in my presence, and swore to the truth thereof.

That the foregoing depositions are the depositions of said witnesses then and there taken before me as aforesaid. That due notice of the taking of said depositions was given as required by said order.

In witness whereof I have hereunto set my hand and the seal of said District Court, this 9th day of September, 1886.

(Signed)

ANDREW T. LEWIS, *Clerk, United States'*
District Court in and for the District of
Alaska, United States of America.

On the 20th day of September, 1886, was filed the following claim of Master for Owner:—

IN THE UNITED STATES' DISTRICT COURT FOR THE DISTRICT OF ALASKA.

(In Admiralty.)

In the Matter of the Libel of Information against the Schooner "Thornton," her Tackle, Apparel, Furniture, and Cargo.—Claim of Master for Owner.

And now Hans Guttormsen, master of the schooner "Thornton" intervening for the interest of J. D. Warren of Victoria, British Columbia, the owner of the said schooner "Thornton," her tackle, apparel, furniture, and cargo, as set forth in the libel of information herein, appears before this honourable Court and makes claim to the said schooner "Thornton," her tackle, apparel, furniture, and cargo, as set forth in the said libel of information, and as the same are attached by the Marshal under process of this Court at the instance of M. D. Ball, Esq., United States' District Attorney for the District of Alaska.

And the said Hans Guttormsen avers that the said J. D. Warren was in possession of the said schooner at the time of the attachment thereof.

And that the said J. D. Warren above named is the true and *bonâ fide* owner of the said schooner, her tackle, apparel, cargo and furniture as seized by the said Marshal as aforesaid and that no other person is the owner thereof. Wherefore he prays to defend accordingly.

(Signed)

HANS GUTTORMSEN.

Subscribed and sworn to before me this 18th day of September, A.D. 1886.

(Seal.)

ANDREW T. LEWIS, *Clerk of the United*
States' District Court for the District
of Alaska.

W. CLARK AND D. A. DINGLEY,
Proctors for Claimant.

On the same day was filed the following amended libel of information.

IN THE UNITED STATES' DISTRICT COURT IN AND FOR THE DISTRICT OF ALASKA,
UNITED STATES' OF AMERICA.

(August Special Term, 1886.)

To the Honourable Lafayette Dawson, Judge of said District Court:

The amended libel of information of M. D. Ball, Attorney for the United States, for the District of Alaska, who prosecutes on behalf of said United States and being present here in Court in his own proper person, in the name and on behalf of the said United States, alleges and informs as follows, to wit:—

That C. A. Abbey, an officer in the Revenue Marine Service of the United States, duly commissioned by the President of the United States, in command of the United States' Revenue cutter "Corwin," and on special duty in the waters of the District of Alaska heretofore, to wit on the 1st day of August, 1886, within the limits of Alaska

Territory, and in the waters thereof, and within the Civil and Judicial District of Alaska, to wit—within the waters of that portion of Behring's Sea belonging to the United States and said District, on waters navigable from the sea by vessels of ten or more tons burden, seized the schooner "Thornton," her tackle, apparel, boats, cargo, and furniture, being the property of some person or persons unknown to said Attorney. The said property is more particularly described as follows, to wit:—

One schooner "Thornton" of Victoria, British Columbia, four boats with oars, sails, and gear; carpenter's and caulking tools and materials: five tons of coal, ten yards of canvas, clock, chronometer, nautical instruments, provisions, sails and running gear, ropes, twine, lamps, oil, casks, buckets, engine and gear, twenty sacks of salt, 403 fur-seal skins, one hair-seal skin, three pup-seal skins, four rifles, six shot guns, and arms and ammunition for same and all other property found upon or appurtenant to said schooner.

That said C. A. Abbey was then and there duly commissioned and authorized by the proper Department of the United States to make said seizure.

That all of said property was then and there seized as forfeited to the United States for the following causes:—

That said vessel, her captain, officers and crew were then and there found engaged in killing fur-seals within the limits of Alaska Territory and within the waters thereof, in violation of section 1956 of the Revised Statutes of the United States.

That all the said property, after being seized as aforesaid, was brought into the port of Oonalaska in said Territory, and delivered into the keeping of Isaac Anderson, a Deputy United States' Marshal of this District, with the exception of the said arms and ammunition, which latter were brought into the port of Sitka in said District and turned over to the United States' Marshal of this District and all of said property is now within the Judicial District of Alaska, United States' of America.

And the said M. D. Ball, Attorney as aforesaid, further informs and alleges:—

That on the 1st day of August, 1886, Henry Norman, and certain other persons whose names are to said United States' Attorney unknown, who were then and there engaged on board of the said schooner "Thornton" as seamen and seal-hunters, did, under the direction and by the authority of Hans Guttormsen, then and there master of said schooner, engage in killing and did kill, in the Territory and District of Alaska, and in the waters thereof, to wit, twenty fur-seals, in violation of section 1956 of the Revised Statutes of the United States, in such cases made and provided.

That the said 403 fur-seal skins, three pup-skins, one hair-seal skin, and other goods so seized on board of said schooner "Thornton" constituted the cargo of said schooner at the time of the killing of said fur-seals, and at the time of said seizure.

And said Attorney saith that all and singular the premises were and are true and within the Admiralty and Maritime Jurisdiction of the United States and of this Honourable Court, and that by reason thereof, and by force of the Statutes in such cases made and provided, the aforementioned schooner, being a vessel of over twenty tons burden, and her said tackle, apparel, boats, cargo and furniture, became and are forfeited to the use of the United States.

Wherefore the said Attorney prays that the usual process and monition of this Honourable Court issue in his behalf against said schooner and all said hereinbefore described property to enforce the forfeiture thereof, and requiring notice to be given to all persons to appear and show cause, on the return day of said process why said forfeiture should not be decreed; and that after due proceedings are had, all of said property be adjudged, decreed, and condemned as forfeited to the use of the United States; and for such other relief as may be proper in the premises.

Dated the 20th September, 1886.

(Signed) M. D. BALL,
United States' District Attorney for the District of Alaska.

On the same day was filed the following demurrer:—

IN THE UNITED STATES' DISTRICT COURT FOR THE DISTRICT OF ALASKA.

United States v. J. D. Warren and Schooner "Thornton."—Demurrer.

The demurrer of J. D. Warren, claimant of the property proceeded against in the above cause to the information filed herein.

1. The said claimant by protestation, not confessing all or any of the matters in said amended information contained to be true, demurs thereto and says that the said matters in manner and form, as the same are in the information stated and set forth, are

not sufficient in law for the United States to have and maintain their said action for the forfeiture of the property aforesaid.

2. The said claimant by protestation denies that this Court has jurisdiction to determine or try the question hereby put in issue.

3. And that the said claimant is not bound in law to answer the same.

Wherefore claimant prays that said information may be dismissed with costs.

(Signed) W. CLARK AND D. A. DINGLEY,
Proctors for Claimant.

Which demurrer was overruled by the Court, and on the same day was filed the following answer:—

IN THE UNITED STATES' DISTRICT COURT FOR THE DISTRICT OF ALASKA.

United States v. J. D. Warren and Schooner "Thornton."—Answer of Claimant.

The answer of J. D. Warren, owner and claimant of the said schooner "Thornton," her tackle, apparel, cargo, and furniture, as the same are set forth in the information filed herein in behalf of the United States.

And now comes J. D. Warren, claimant as aforesaid and for answer to the said information against the said schooner "Thornton," her tackle, apparel, furniture and cargo, as set forth in said information says that the said schooner "Thornton," her tackle, apparel, furniture, and cargo as set forth in the information mentioned, did not nor did any part thereof become forfeited in manner and form as in said information in that behalf alleged, or at all.

Wherefore, the said claimant prays that said information be dismissed with costs of this claimant attached.

(Signed) W. CLARK AND D. A. DINGLEY,
Proctors for Claimant.

On the 22nd September, 1886, were filed the following exceptions to answer:—

UNITED STATES' DISTRICT COURT, DISTRICT OF ALASKA, UNITED STATES OF AMERICA.

United States v. the Schooner "Thornton." No. 50.

The said libellant hereby excepts to the sufficiency of the defendant's answer herein, on the following grounds:—

1. Said answer is not properly or at all verified as required by Rule 27 of the United States' Admiralty Rules;

2. Said answer is not full, explicit or distinct to each or any allegation of the libel herein, as required by said Rule;

3. Said answer does not deny or admit any of the allegations of fact in said libel, but merely denies a conclusion of law.

(Signed) M. D. BALL AND W. H. PAYSON,
Proctors for Libellant.

September 21, 1886.

Which exceptions were sustained by the Court, and on the same day was filed the following amended answer:—

IN THE UNITED STATES' DISTRICT COURT FOR THE DISTRICT OF ALASKA.

United States v. J. D. Warren and Schooner "Thornton."—Amended Answer.

To the Honourable Lafayette Dawson, Judge of the United States' District Court for the District of Alaska.

Hans Guttormsen, master of the schooner "Thornton," intervening for the interest of and in behalf of J. D. Warren, owner and claimant of said schooner "Thornton," her tackle, apparel, furniture and cargo for amended answer to the libel of information herein, against said schooner, her tackle, apparel, furniture, and cargo, alleges as follows:—

1. That he denies each and every material allegation in said libel of information contained;

2. Denies that the said schooner "Thornton," her tackle, apparel, furniture, cargo, and the property appertaining thereto, as set forth and described in said libel of information or any part thereof became forfeited to the United States;

3. Denies that said schooner, her captain, officers, and crew, or any one of them were found engaged in killing fur-seal within the limits of Alaska Territory and within the waters thereof in violation of section 1956 of the Revised Statutes of the United States as set forth in said libel of information or at all;

4. Denies that they killed any number of fur-seal or other fur-bearing animals within the waters of Alaska or the Territory of Alaska or in any part thereof.

5. That all and singular the premises herein are true.

Wherefore said master prays that this Honourable Court will be pleased to pronounce against the libel herein and that the same may be dismissed with costs to the claimants to be taxed.

(Signed) W. CLARK AND D. A. DINGLEY,
Proctors for Claimant.

United States' District of Alaska, ss.

Hans Guttormsen, being first duly sworn, says he is master of the schooner "Thornton," that he has heard read the foregoing answer and knows the contents thereof and that the same is true of his own personal knowledge.

(Signed) H. GUTTORMSEN.

Subscribed and sworn to before me this 22nd day of September, A.D. 1886.

(Signed) ANDREW T. LEWIS, *Clerk of the United States'*
District Court for the District of Alaska.

On the 4th day of October, 1886, the motion cited p. 54 was returned with the following indorsement:—

Sitka District of Alaska, ss.

Be it remembered, that, in obedience to the annexed monition, I have attached the within-described property and now hold the same in my possession subject to the order of this Honourable Court;

And I have given due notice to all persons claiming said property to be and appear before this District Court on the 4th day of October, 1886, at 10 o'clock A.M., if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to make their claims and allegations in that behalf:—

And I have caused said notice to be published, and the same has been published in the "Alaskan," a newspaper published at Sitka in said District, on the 4th day of September, 1886, and in each issue of said newspaper subsequent thereto, until 4th day of October, 1886.

(Signed) BARTON ATKINS, *Marshal,*
District of Alaska.

Sitka, Alaska, October 4, 1886.

On the same day was filed the following Decree:—

IN THE UNITED STATES' DISTRICT COURT IN AND FOR THE DISTRICT OF ALASKA,
UNITED STATES OF AMERICA.

United States v. the Schooner "Thornton." No. 50.

The Marshal having returned on the monition issued to him in the above entitled action that, in obedience thereto, he has attached the said schooner "Thornton," her tackle, apparel, boats, cargo, and furniture, and has given due notice to all persons claiming the same to appear before this Court on this 4th day of October, 1886, at 10 o'clock A.M., at the District of Alaska, United States of America, then and there to interpose their claims and make their allegations in that behalf; and Hans Guttormsen, the captain of said vessel, having heretofore filed a claim to all of said property on behalf of J. D. Warren, of Victoria, British Columbia, the owner thereof, and no other person having appeared, and no claims or allegations having been made or filed herein by any other person or persons, and the usual proclamation having been made, and said cause

having been heard upon the pleadings and proofs, M. D. Ball, Esq., and W. H. Payson, Esq., appearing as advocates for said libellant, and W. Clark as advocate for said claimant, and said cause having been submitted to the Court for decision, and due deliberation being had in the premises, it is now ordered, sentenced, and decreed as follows:—

1. That all persons whatsoever other than said claimant be, and they are, hereby declared in contumacy and default.

2. That the said schooner "Thornton," her tackle, apparel, boats, and furniture, and her cargo of 403 fur-seal skins, and all other property found upon and appurtenant to said schooner, be, and are hereby, condemned as forfeited to the use of the United States.

3. That unless an appeal be taken to this Decree within the time limited and prescribed by law and the Rules of this Court, the usual writ of *venditioni exponas* be issued to the Marshal commanding him to sell all of the said property and bring the proceeds into this Court to be distributed according to law. Costs to be taxed are awarded against said claimant.

Dated October 4, 1886.

(Signed) LAFAYETTE DAWSON,
District Judge.

Done in open Court this 4th day of October, 1886, at Sitka, District of Alaska, United States' of America.

(Signed) , Clerk.

On the same day was filed the following motion to set aside Decree:—

IN THE UNITED STATES' DISTRICT COURT FOR THE DISTRICT OF ALASKA.

United States v. J. D. Warren and Schooner "Thornton."—Motion to set aside Decree.

Now come W. Clark and D. A. Dingley, proctors intervening for and in behalf of the claimants herein, and moves the Court to set aside the Decree rendered herein for the reason that the evidence produced on behalf of the United States is wholly insufficient upon which to base said Decree.

(Signed) W. CLARK AND D. A. DINGLEY,
Proctors for Claimant.

Which motion was over-ruled by the Court, and on the same day was filed the following notice of appeal:—

IN THE UNITED STATES' DISTRICT COURT FOR THE DISTRICT OF ALASKA.

United States v. J. D. Warren and Schooner "Thornton."—Notice of Appeal.

And now come W. Clark and D. A. Dingley, proctors for and in behalf of the claimant herein, and notifies this honourable Court that they hereby appeal from the Decree rendered herein to the Circuit Court having appellate jurisdiction over this district, and that said appeal is taken on questions of law and fact, and prays the Court for an order on its clerk to prepare a complete transcript of the record herein, as the law requires.

(Signed) W. CLARK AND D. A. DINGLEY,
Proctors for Claimant.

On the 9th day of February, 1887, was entered the following order:—

In the Matter of the United States v. Schooner "Onward," Case No. 49; Schooner "Thornton," Case No. 50; Schooner "Carolina," Case No. 51; Schooner "San Diego," Case No. 52; Arms and Ammunition Schooner "Sierra," No. 57; Arms and Ammunition Schooner "San Diego," No. 58.

In the above causes, upon motion of the Attorney for the United States and argument of counsel for the United States, and for the interveners in said causes, and consideration by the Court, it is this day ordered that writs of *venditioni exponas* do issue from the clerk of said Court to the Marshal of said District, for the sale of the attached

vessels, with their tackle, cargoes, and furniture, of whatever description, and of the arms and ammunition attached in said causes.

And as to the said attached vessels, that the sale of the same (except the schooner "San Diego," which shall be sold at Sitka) shall be made at Port Townsend, in the District of Washington Territory, and as to the seal-skins, part of the cargoes of said vessels attached, that sale of the same shall be made at San Francisco, in the District of California, and that sale of said schooner "San Diego," and all the other attached property be made at Sitka, in the District of Alaska. Thirty days' notice of such sale to be given at each of the places where the same are to be made, by posting such notice, or by publication in some newspaper published at such places respectively.

And that said Marshal do have the moneys arising from such sales, together with the writ commanding the same, at a District Court of the United States for this, the said District of Alaska, to be held on the first Monday in September, 1887, and that he then pay the same to the clerk of said Court.

*Clerk's Office, United States' District Court, District of Alaska,
Sitka, March 10, 1887.*

I, Andrew T. Lewis, clerk of the said Court, do certify that the foregoing transcript of the record in the case of the United States v. the schooner "Thornton," her tackle, apparel, &c., on libel of information, pending in said Court, has been compared by me with the original, and that it is a correct transcript therefrom and of the whole of such original, except the full text of the exhibits referred to in the testimony therein, the purport of which only is stated, and that the purport of said exhibits is correctly stated, as the same appears of record at my office and in my custody.

Witness my hand and the seal of said Court, this 10th day of March, 1887.

(Seal.) ANDREW T. LEWIS, *Clerk.*

No. 44.

The Marquis of Salisbury to Sir L. West.

(Telegraphic.)

Foreign Office, August 2, 1887.

I HAVE received your despatch of the 12th ultimo.

Were judicial documents communicated without observation by the United States' Government?

No. 45.

Sir L. West to the Marquis of Salisbury.—(Received by telegraph, August 4.)

My Lord, *Washington, August 4, 1887.*

I HAVE the honour to inform your Lordship that the judicial documents alluded to in your Lordship's telegram of the 2nd instant were, at my request, forwarded to me by the Secretary of State, for the information of Her Majesty's Government, and were unaccompanied by any observations.

I have reason to think that no step will be taken in the matter of the seizure of sealers in Behring's Sea until the case against the captain of the "Corwin," which will be tried at Boston, has been heard.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 46.

The Marquis of Salisbury to Sir L. West.

Sir,

Foreign Office, August 10, 1887.

I HAVE to inform you that a telegram has been received from the Commander-in-chief of Her Majesty's naval forces in the Pacific, dated Victoria, British Columbia, on the 7th instant, from which it appears that an American Revenue vessel had seized three more British Columbian sealing schooners when a long distance from land, and that

they had been taken to Sitka. He further stated that several other vessels in sight from Sitka were being towed in.

It will be within your recollection that in the correspondence which has recently taken place in regard to the previous seizures of three British vessels by the United States' Revenue cruiser "Corwin," Mr. Bayard stated in a note dated the 3rd February (a copy of which accompanied your despatch of the following day), that "without conclusion at this time of day of any questions which may be found to be involved in these cases of seizure, orders have been issued by the President's direction for the discontinuance of all pending proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith."

I request that you will at once communicate to the United States' Government the nature of the information which has reached them in regard to these further seizures of British vessels by the United States' authorities.

You will at the same time say that Her Majesty's Government had assumed, in view of the assurances conveyed to you in Mr. Bayard's note of the 3rd February last, that pending a conclusion of the discussion between the two Governments on the general question involved, no further similar seizures of British vessels would be made by order of the United States' Government.

I am, &c.
(Signed) SALISBURY.

No. 47.

The Marquis of Salisbury to Sir L. West.

Sir, Foreign Office, August 10, 1887.

I HAVE to acknowledge the receipt of your despatch of the 12th ultimo, inclosing printed copies of the records in the United States' District Court for the District of Alaska in the cases of the British Columbian sealing schooners "Onward," "Carolina," and "Thornton."

I should be glad if you would inform me whether the owners or masters of any of these vessels have entered an appeal against the Judgments delivered by the Court, and whether, if they have not already done so, such a course is still open to them.

It is also desirable that Her Majesty's Government should be furnished with a full Report of the proceedings at the trials of the masters, which resulted in their conviction, and sentence to imprisonment and fine.

I have further to request that you will endeavour to ascertain and to report to me when it is probable that the appeals referred to in your despatches of the 2nd April, 1887, and of the 6th May, 1887, respectively, of the owners of the American ships which were seized on similar grounds, will come on for hearing, and whether any arrangement has been, or can now, in your opinion, advantageously be made between the owners of the British and American vessels on the one side and the Government of the United States on the other, that one of these cases should be regarded as a test case, by which, in so far as the American legal Tribunals are concerned, the remaining cases might be held to be concluded.

It must, however, be clearly understood that any such arrangement, if made, would only affect the legal remedies which were open to the masters and owners of these vessels in the American Courts, and would in no degree limit the right of Her Majesty's Government, after all such legal remedies were considered to be exhausted, to intervene through diplomatic channels and on international grounds on behalf of such masters or owners.

It is presumed that the records of the proceedings in the cases of the seizures of the British schooners which accompanied your despatch were communicated officially to Her Majesty's Legation, and, if so, I request that you will furnish me with a copy of the note by which they were accompanied.

I am, &c.
(Signed) SALISBURY.

No. 48.

Sir L. West to the Marquis of Salisbury.—(Received August 26.)

My Lord, Washington, August 15, 1887.

IN obedience to the instruction contained in your Lordship's despatch of the 10th instant, I informed the Secretary of State that three British Columbian schooners

had been seized in Behring's Sea by the United States' cruisers a long distance from Sitka, and that several other vessels were in sight being towed in. I also intimated to Mr. Bayard that, in view of the assurances given in his note of the 3rd February last, Her Majesty's Government had assumed that, pending the conclusion of discussions between the two Governments on general questions involved, no further seizures would be made by order of the United States' Government. Copy of my note is herewith inclosed. I have likewise the honour to inclose to your Lordship copy of a note which I have received in reply to the above communication, in which Mr. Bayard states that he can discover no ground whatever, from the expressions contained in his note referred to, for the assumption by Her Majesty's Government that it contained any such assurances, but that he will ascertain without delay whether the circumstances attendant upon the cases of the seizures in question are the same as those which induced the Executive to direct the release of the vessels mentioned in his note of the 3rd February.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 48.

Sir L. West to Mr. Bayard.

Sir, Washington, August 11, 1887.

I HAVE the honour to inform you that Her Majesty's Government have received a telegram from the Commander-in-chief of Her Majesty's naval forces in the Pacific, dated Victoria, British Columbia, 7th August, reporting the seizure by United States' cruisers of three British Columbian sealing schooners in Behring's Sea, a long distance from Sitka, and that several other vessels were in sight being towed in. In conveying this information to you, I am requested at the same time by the Marquis of Salisbury to state that, in view of the assurances given in your note of the 3rd February last, Her Majesty's Government had assumed that pending the conclusion of discussions between the two Governments on general questions involved, no further seizures would be made by order of the United States' Government.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure 2 in No. 48.

Mr. Bayard to Sir L. West.

Sir, Department of State, Washington, August 13, 1887.

I HAVE the honour to acknowledge the receipt of your note of the 11th instant received yesterday afternoon, informing me of a telegraphic communication from the Commander-in-chief of Her Majesty's naval forces in the Pacific, dated at Victoria, British Columbia, August 7th, reporting the seizure of three British Columbian sealing schooners "in Behring's Sea, a long distance from Sitka," and that "several other vessels were in sight being towed in."

The reference to my note to you of the 3rd February last, which you make under the instruction of the Marquis of Salisbury, has caused me to examine the expressions contained therein, and I can discover no ground whatever for the assumption by Her Majesty's Government, that it contained assurances "that, pending the conclusion of discussions between the two Governments on general questions involved, no further seizures would be made by order of the United States' Government."

Until your note of the 11th instant was received I had no information of the seizure of the sealing vessels therein referred to, and have no knowledge whatever of the circumstances under which such seizures have been made.

I shall at once endeavour to supply myself with the information necessary to enable me to reply to you more fully.

The cases of seizure referred to in my note of the 3rd February, 1887, had occurred during the previous August, and upon the basis of the information then obtained I wrote you as follows:—

"In this connection I take occasion to inform you that, without conclusion at this time of any questions which may be found to be involved in these cases of seizure, orders have been issued by the President's direction for the discontinuance of all pending

proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith."

Having no reason to anticipate any other seizures, nothing was said in relation to the possibility of such an occurrence, nor do I find in our correspondence on the subject any grounds for such an understanding as you inform me had been assumed to exist by Her Britannic Majesty's Government.

A short time since, when you called upon me and personally obtained copies of the record of the judicial proceedings in the three cases of seizure in August last in Behring's Sea, nothing was said in relation to other cases. Whether the circumstances attendant upon the cases which you now report to me are the same as those which induced the Executive to direct the releases referred to remains hereafter to be ascertained, and this with as little delay as the circumstances will permit.

I have, &c.
(Signed) T. F. BAYARD.

No. 49.

Admiralty to Foreign Office.—(Received August 27.)

(Extract.)

Admiralty, August 24, 1887.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the perusal of the Marquis of Salisbury, extract from a letter from the Commander-in-chief on the Pacific Station, dated the 5th August, reporting the seizure of a sealing-schooner, named the "Anna Beck," by an American Revenue vessel in Behring's Sea.

Inclosure in No. 49.

Rear-Admiral Culme-Seymour to Admiralty.

(Extract.)

"Triumph," at Esquimalt, August 5, 1887.

SINCE my return I hear that the "Anna Beck," a sealing schooner, has been seized by an American Revenue vessel in Behring's Sea—it is reported 60 miles north-east from St. George's Island; but no reliable information as to the spot has yet reached me. As soon as it does I will forward particulars.

No. 50.

Sir L. West to the Marquis of Salisbury.—(Received September 1.)

(Extract.)

Washington, August 20, 1887.

IT would appear from Reports of Captain Shepard, of the United States' Revenue cutter "Rush," that the "Sayward" was captured 50 miles and the "Dolphin" 40 miles from Cape Cheerful, while the "Grace" was seized 95 miles from Ounalaska.

Cape Cheerful does not appear on any Map or Chart, but is supposed to be the northernmost point of the Island of Ounalaska.

The Islands of St. George and St. Paul (Pribilof Islands) are distant 180 miles from Ounalaska, so that at the time of the seizure of the "Grace" that vessel would have been 85 miles distant from them.

To reach the breeding-grounds on the Islands of St. George and St. Paul, the seals pass regularly through the channel which separates the Island of Ounalaska from the Island of Akutan, and that which separates Akutan from the Island of Unimak, called respectively the Akutan and Unimak passes, and it is here that the sealers lay in wait for them on their passage.

It is maintained that the capture of seals in this manner is in violation of section 1956 of the Revised Statutes of the United States, and that ships so capturing them are within the limits of Alaska territory or in the waters thereof.

But, apart from the question of territorial limit and right to seize vessels in the open sea, it is argued by impartial persons that unless some arrangement is made for the protection of these valuable animals on their passage to the breeding-grounds, the genus, as in the case of beaver, will gradually become extinct.

It is a known fact that few, if any, seals pass outside the Island of Ounalaska to their breeding-grounds, which exist only on the Pribylov Islands, and that their passage is as regular as their breeding season.

No. 51.

Sir L. West to the Marquis of Salisbury.—(Received September 1.)

My Lord, *Washington, August 22, 1887.*

SINCE writing my preceding despatch I have received privately from Mr. Bayard copies of the Reports of Captain Shepard, alluded to therein, respecting the seizure of the British vessels "Anna Beck," "W. P. Sayward," "Dolphin," and "Grace," copies of which I have the honour to inclose to your Lordship herewith.

The State Department is not in possession of any further information.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

P.S.—I have communicated copies of Captain Shepard's Reports to the Governor-General of Canada.

L. S. S. W.

Inclosure 1 in No. 51.

Mr. Fairchild to Mr. Bayard.

Sir, *Treasury Department, August 19, 1887.*

I HAVE the honour to acknowledge the receipt of your letter of the 13th instant, in which you refer to information received through the British Minister as to the recent seizures by United States' cruizers of three British Columbian sealing-schooners in Behring's Sea, and request such information as this Department possesses or can obtain from its Agents relative to said seizures; and, in reply thereto, I inclose herewith copies of the Reports of the Captain of the Revenue cutter "Rush," dated the 4th, 11th, and 18th ultimo, reporting the seizures of the British steam-schooner "Anna Beck" on the 2nd, the British steam-schooner "W. P. Sayward" on the 9th, the British steam-schooner "Dolphin" on the 12th, and the British steam-schooner "Grace" on the 17th ultimo.

Respectfully yours,

(Signed) C. S. FAIRCHILD, *Secretary.*

Inclosure 2 in No. 51.

Captain Shepard, U.S.R.M., to Mr. Fairchild.

*United States' Revenue Marine Steamer "Rush,"
Ounalaska, A. T., July 4, 1887.*

Sir, I HAVE the honour to report to the Department the seizure on the 30th June of the schooner "Challenge" of Seattle, Washington Territory, H. B. Jones, master, and Albert Douglas, of Seattle, Washington Territory, President of the Douglas Fur Company, managing owner, for violation of section 1961, Revised Statutes,—the having skins of female fur-seal and skins of unborn seal on board, which latter the captain and mate admitted were taken from the female seal killed by themselves or the crew of the vessel.

The "Challenge" when found was anchored at Akoutau Island, Alaska: I took her in tow of the "Rush," and proceeded to Ounalaska and delivered her skins, 151 in number, to the United States' Deputy Marshal at this place, and have taken her arms and ammunition on board the "Rush" for safe keeping.

The crew, consisting of fifteen men all told, were shipped at Port Townsend, Washington Territory, by H. Bash, United States' Shipping Commissioner, and were found present, excepting Wm. Couratz, of Germany, seaman, whom Captain Jones reports was taken sick and sent ashore at Goose Island, British Columbia, and Hines, an Indian of British Columbia, was shipped in his stead at that place.

On the 2nd July, in latitude 54° 58' north and longitude 167° 26' west, Cape Cheerful, Ounalaska Island, bearing south-east $\frac{1}{4}$ east, 66 miles, I boarded and examined

the British steam-schooner "Anna Beck," of Victoria, British Columbia, Louis Olsen, master, Joe Bosquit, of Victoria, British Columbia, managing owner, on a sealing voyage, and having about 334 seal-skins on board, nineteen of which the captain admitted were taken in Behring's Sea. His boats had recently been taken out of the water, and considerable fresh seal blood and gurry were found on deck, indicating that seal had been skinned and dressed on board that day. I seized the vessel for violation of section 1956, Revised Statutes, took in tow, and proceeded to Ounalaska. This vessel was seen on the 30th June, in nearly the same position as when we found her, by Captain Aage, of the steamer "Dora," with several boats out hunting seal.

I found on board a crew of nineteen men all told (seven white and twelve Indians), and the captain reported that on the 30th June two boats containing two Indians each were lost in the fog and could not be found, in addition to the above number.

I have delivered the "Anna Beck," with outfit and 334 seal-skins, to the United States' Deputy Marshal at Ounalaska. No arms or ammunition were found on board.

As the officers of these vessels have to be taken before the United States' District Court at Sitka for trial, to which place there is no established mode of conveyance from here, I have placed the officers and crews of both vessels on board the schooner "Challenge" and dispatched Benjamin Lorenzen, one of the crew of this vessel, duly qualified as a Deputy United States' Marshal, in charge, to Sitka, with instructions on his arrival at that place to deliver the vessel, captains, and mates to the United States' Marshal, and to set the crews at liberty, Lorenzen to remain at Sitka until the arrival of the "Rush" at the end of the season.

I am, &c.
(Signed) L. G. SHEPARD.

Inclosure 3 in No. 51.

Captain Shepard, U.S.R.M., to Mr. Fairchild.

*United States' Revenue Marine Steamer "Rush,"
Ounalaska, Alaska, July 11, 1887.*

Sir,

I HAVE the honour to inform the Department that on the 9th July in the Behring's Sea, latitude 54° 43' north, longitude 167° 51' west, Cape Cheerful, Ounalaska Island, bearing south-east, true 59 miles distant, I boarded and examined the British schooner "W. P. Sayward," 59.79 tons register, of Victoria, British Columbia, Geo. R. Ferry, master, and W. D. Warren, of Victoria, British Columbia, managing owner, and found her to be on a sealing voyage—had been four days in the Behring's Sea.

The captain reported 485 seal-skins on board, sixty-four of which were taken in the Behring's Sea. Found the vessel under short sail, and one canoe and two Indians out hunting seal.

Her crew consisted of six white men all told, and seventeen Indians from British Columbia, and two Indians belonging to the crew of the British schooner "Anna Beck," who had lost that vessel in a fog. I took charge of the vessel's papers and seized her for violation of section 1956, Revised Statutes; took her in tow and proceeded to Ounalaska, arriving at midnight.

I have delivered the 485 seal-skins found on board to the United States' Deputy Marshal at this place, and will send the vessel and her crew to Sitka, Alaska, in charge of one of the crew of this vessel duly qualified as a United States' Deputy Marshal, with instructions to deliver the vessel with her outfit, the captain and mate, to the United States' Marshal at Sitka on arrival at that port, and to set the crew at liberty.

I am, &c.
(Signed) L. G. SHEPARD.

Inclosure 4 in No. 51.

Captain Shepard, U.S.R.M., to Mr. Fairchild.

*United States' Revenue Marine Steamer "Rush,"
Ounalaska, Alaska, July 18, 1887.*

Sir,

I HAVE the honour to inform the Department that on the 12th July in the Behring's Sea, latitude 54° 38' north, longitude 167° 30' west, Cape Cheerful, Ounalaska Island, bearing south-east $\frac{1}{2}$ south, 40 miles distant, I boarded and examined the British steam-schooner "Dolphin," 60 $\frac{10}{100}$ tons register, of Victoria, British Columbia, J. D. Warren,

master and managing owner, and found her to be on a sealing voyage. The vessel had been three days in the Behring's Sea, and had 618 seal-skins on board. Ten canoes and one boat were out hunting seal at the time. From the canoes twelve or more dead seal were taken on board the schooner while we were near her, and three skins from seal recently killed were found in the boat. Seized the vessel for violation of section 1956, Revised Statutes, and transferred her arms and ammunition on board the "Rush," viz., 4 breech-loading rifles, 26 breech-loading shot guns, 10 muzzle-loading shot guns, 1 bomb gun, 4 revolvers, 3,404 rounds ammunition for breech-loading rifles, 250 rounds ammunition for shot guns, 4 kegs powder, 50 lbs. shot and other small ammunition. Seized the 4 breech-loading rifles and ammunition for same for violation of section 1955, Revised Statutes, and section 4, Executive Order No. 53, dated the 4th May, 1887. I placed Lieutenant Dunwoody in charge, with instructions to take her into Ounalaska, where she arrived the following day. The crew consisted of seven white men and twenty-six Indians from British Columbia.

On the 17th July, in the Behring's Sea, latitude $55^{\circ} 3'$ north, longitude $168^{\circ} 40'$ west, Cape Cheerful, Ounalaska Island, bearing south-east $\frac{1}{2}$ east, 96 miles distant, I boarded and examined the British steam-schooner "Grace," 76 $\frac{87}{100}$ tons register, of Victoria, British Columbia, William Petit, master, and J. D. Warren, of Victoria, British Columbia, managing owner, and found her to be on a sealing voyage; had been ten days in the Behring's Sea, and had 769 seal-skins on board. When boarded she had twelve canoes and one boat out hunting seal. Saw one seal shot and taken into the boat while we were near her. Counted twelve seals taken on board the schooner from one canoe, and all the canoes contained more or less seals recently killed. The captain reported taking ninety seals during the day and 150 the day previous. Seized the vessel for violation of section 1956, Revised Statutes, and two breech-loading rifles and ammunition for same; for violation of section 1955, Revised Statutes, and section 4, Executive Order No. 53, dated the 4th May, 1887.

Her crew consisted of 6 white men, 24 Indians, and 1 Chinaman. Placed Lieutenant Benham in charge, and after waiting seven hours for her canoes to return—some of which had been a long distance from the vessel—took her in tow and proceeded to Ounalaska, arriving at 9:30 A.M. I have delivered the seal-skins from these vessels to the United States' Deputy Marshal at this place, and will send the vessels in charge of men from this vessel duly qualified as United States' Deputy Marshals to Sitka, to be delivered to the United States' Marshal for the district of Alaska.

By request of Captain J. D. Warren, of the "Dolphin," managing owner of the schooner "Anna Beck" (seized the 2nd July, as previously reported), I will send her to Sitka in like manner.

Also on the 16th July, in the Behring's Sea, in latitude $55^{\circ} 46'$ north, longitude $170^{\circ} 38'$ west, Delnoi Point, St. George's Island, bearing north 30° east, 68 miles distant, I boarded and examined the schooner "Lily L.," 63 $\frac{42}{100}$ tons register, of San Francisco, California, J. W. Todd, master, and C. D. Ladd, of San Francisco, managing owner, and found her to be on a sealing voyage. Had three boats out at the time, one of which on returning to the vessel contained two seal recently killed. Captain Todd and Mr. Ladd, representing the owner, admitted they came into these waters for the purpose, and had taken seal in the Behring's Sea, and claimed a right to do so anywhere outside the 9-mile limit from the shore.

I seized the vessel for violation of section 1956, Revised Statutes. There being only two commissioned officers on board this vessel, I placed Boatswain Winslow on board the schooner to represent the United States, and instructed her captain to take her into Ounalaska, which he agreed to do, there being too much sea running at the time to undertake to tow her to that place.

On her arrival I will make further report to the Department.

I am, &c.

(Signed) L. G. SHEPARD.

No. 52.

Admiralty to Foreign Office.—(Received September 7.)

Sir,

Admiralty, September 5, 1887.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, for the perusal of the Marquis of Salisbury, the accompanying copy of a letter of the 9th August from Rear-Admiral Sir M. Culme-Seymour, with its inclosures,

respecting the seizure of the British Columbian sealing-schooners "Anna Beck" and "W. P. Sayward," by an American Revenue steamer in the Behring's Sea.

I am to request that these documents may be forwarded to the Colonial Office, with a request that they may eventually be returned to this Department.

I am, &c.
(Signed) R. D. AWDRY.

Inclosure 1 in No. 52.

Rear-Admiral Seymour to Admiralty.

Sir, "Triumph," at Esquimalt, August 9, 1887.

IN confirmation of my telegram of the 6th instant, I have the honour to report the British Columbian sealing-schooners "Anna Beck," "Dolphin," and "W. P. Sayward" were seized in the Behring's Sea, between the 2nd and 12th July last, by the American Revenue steamer "Rush," and were towed to Ounalaska.

Mr. Andrew Laing, mate and part owner of the "W. P. Sayward," came down here and returns to-day to Sitka. He has made the following statement to me:—

"The 'W. P. Sayward,' of Victoria, entered Behring's Sea on the 2nd July, having on board 479 skins, procured off the west coast of Vancouver Island, &c. On the 9th she was seized by the 'Rush' about 50 miles to the northward and westward of Ounalaska, and was towed to Ounalaska, which took twelve hours. The skins on board were put into a lighter and taken to the Alaska Commercial Company's store. A quartermaster was put on board and the schooner sent to Sitka, the captain and myself being brought before Judge Dawson and bound over to appear on the 22nd August to answer a charge of 'killing seals in American waters.'

"No seals whatever had been taken since we entered Behring's Sea."

I am informed that as the "Olympian," an American excursion steamer, was leaving Sitka, she saw a steamer coming in with several schooners in tow.

I inclose a copy of the indictment against the "W. P. Sayward," a copy of the declaration made by Mr. Andrew Laing before a Notary Public at Victoria, and also a cutting from the Victoria "Daily Colonist."

I have, &c.
(Signed) M. CULME-SEYMOUR.

Inclosure 2 in No. 52.

In the District Court of the United States for the District of Alaska.

United States v. Geo. R. Ferry and A. Laing.—Information.

District of Alaska, ss.

GEORGE R. FERRY and A. Laing are accused by M. D. Ball, United States' District Attorney for Alaska, by this information, of the crime of killing fur seals within the waters of Alaska Territory, committed as follows:—

The said George R. Ferry and A. Laing, on the 8th day of July A.D. 1887, in the District of Alaska and within the jurisdiction of this Court, to wit, in Behring's Sea, within the waters of Alaska Territory, did kill ten fur seals, contrary to the Statutes of the United States in such case made and provided, and against the peace and dignity of the United States of America.

Dated at Sitka the 23rd day of July, 1887.

I, M. D. Ball, United States' District Attorney for Alaska, being duly sworn, say the within information is true, as I verily believe.

(Signed) M. C. D. BALL.

Subscribed and sworn to before me, this 23rd day of July A.D. 1887.

(Signed) H. E. HAYDON, Clerk
(By A. A. Meyer, Deputy Clerk).

I certify that the within is a true copy of the information filed in the cause.

(Signed) H. E. HAYDON, Clerk
(By A. A. Meyer, Deputy Clerk).

Personally appeared before me, Montague W. Tyrwhitt Drake, Notary Public, duly authorized, admitted, and sworn, residing and practising in Victoria, British Columbia, Andrew Laing, mate of the British schooner "W. P. Sayward," who states the above-written information was served upon him by Mr. M. D. Ball on the 23rd July, 1887.

(Signed) M. W. TYRWHITT DRAKE, *Notary Public.*

Inclosure 3 in No. 52.

Declaration.

I, ANDREW LAING, of Victoria, mate of the British schooner "W. P. Sayward," do solemnly and sincerely declare that I left Victoria, British Columbia, in the schooner "W. P. Sayward" on the 16th day of May, 1887, bound on a sealing voyage, with a crew of seven men and sixteen Indian hunters with eight canoes. We commenced sealing off Cape Scott, on the north of Vancouver Island, and killed 479 fur-seals in the Pacific Ocean, and entered the Behring's Sea on the 2nd July, 1887, passing between Umnack Island and the Island of the Four Mountains. The weather was very thick and foggy, and we did no sealing in Behring's Sea in consequence.

On the 9th July we were captured by the United States' steamer "Richard Rush," being then from 30 to 40 miles off the nearest land.

We were taken in tow to Ounalaska, where we arrived on the 10th July, and they laid us alongside the steamer "St. Paul," belonging to the Alaska Commercial Company. They removed the seal-skins and took them ashore to the wharf and put them in the Company's warehouse, and they resalted the skins with salt taken from our vessel. They put an officer from the "Rush" on board and towed us out to sea and told us to go to Sitka. We arrived there on the 22nd July, and on the next day an investigation was held before Judge Dawson, who bound us over to appear on the 22nd August for trial. The vessel was left in charge of the United States' officers, and we were only allowed to remove our clothing. The Indians were left to find their way home as they could; they were about 700 miles from their villages. I further say that when we were taken I spoke to the Captain of the "Rush" and told him we had not taken a seal in Behring's Sea; he replied: "I am sorry for you; I have to obey orders, and take everything I come across in Behring's Sea." And I make this solemn declaration by virtue of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled, "An Act for the Suppression of Voluntary and Extra-Judicial Oaths."

(Signed) A. LAING.

Taken and declared before me at Victoria, this 8th day of August, 1887.

(Signed) M. W. TYRWHITT DRAKE, *Notary Public.*

Inclosure 4 in No. 52.

Extract from the "Victoria Daily Colonist" of August 6, 1887.

SEALERS SEIZED.—ANOTHER PIRATICAL ACT BY THE AMERICAN REVENUE CUTTERS.—The "Olympian," which arrived from Sitka yesterday, brought the startling news that another lot of British and American schooners had been captured by the Revenue cutter "Rush," and taken to Sitka, and that as the steamer was leaving the Revenue cutter again hove in sight, having a number of schooners in tow. Those in Sitka are the Victoria schooners "Dolphin," "Anna Beck," "Grace," "W. P. Sayward," and the American schooner "Challenger," of Seattle. With the schooners seized last year this makes seven British vessels now in charge of the Alaskan authorities, and they will, no doubt, be added to, as it seems the intention of the Americans to seize every schooner that they can secure anywhere within the waters of Behring's Sea.

It was not thought probable that such measures would have been taken in the face of information received from Washington and Ottawa; however, a lack of diplomacy or of energy seems to have prevailed, and no decisive answer was given to the official queries made to the United States' authorities in regard to the programme they purposed following during the present season.

The following statements of several of the captured sealers is taken from the "Alaskan" of the 30th July:—

Captain Olsen, of the steam-schooner "Anna Beck," stated:—

"I left Victoria on the 7th February last, clearing at the Custom-house for the purpose

of a sealing and fishing trip to the west coast of Vancouver Island, the North Pacific Ocean, and the Behring's Sea.

"At the time the papers were issued by Mr. A. R. Milne, Collector of Customs, he made no observation about my vessel fishing in Behring's Sea; neither did I say any thing to him. I supposed, from the fact that the papers were issued giving me such permission, there was no reason why I should not fish in Behring's Sea, and had I anticipated that there would be any trouble I would not have started on a voyage for such a purpose.

"It was the common talk amongst the people of Victoria that we were perfectly safe in fishing, as the American Government would not make any seizures this season. I don't understand why my vessel was seized, as personally I was not engaged in catching seals. I purchase the seals from the Indians for the owners of the schooner, and I have no control whatever on the natives after they leave the vessel in their own canoes. I am not responsible if they catch seals after they have left the schooner's side; they can come and go when they please."

George R. Ferry, the Captain, A. Laing, the mate and part owner of the British schooner "W. P. Sayward," and Michael Keefe, mate of the "Anna Beck," said:—

"We have heard read the statement of Captain Olsen, and agree with it in every particular."

"Michael Keefe: 'It is certainly a strange thing for the Custom-house at Victoria to have issued papers to us permitting fishing in Behring's Sea. If it was not legal, why should the Collector have cleared the vessel? The general idea of sailors is that no Custom-house will issue papers to any vessel to go and do an illegal act.'"

"Captain H. B. Jones, of the American schooner 'Challenger':—'I left Seattle on the 15th April last, clearing at Port Townsend at the Custom-house for a hunting and walrus trip to the North Pacific and Arctic Oceans. I sailed up the coast 30 or 40 miles from shore as far north as the Aleutian Islands. I have never fished for seals in Behring's Sea. My schooner was seized in Akutan Harbour, whither I proceeded for the purpose of cleaning the bottom of the vessel and taking in a supply of water. The harbour is on Akutan Island, situated nearer the Pacific Ocean than the Behring's Sea. There are two passages between the North Pacific Ocean and the Behring's Sea at that point, one being through Akum Pass and the other through Unimak Pass. The Akum Pass being full of reefs and the Unimak Pass being comparatively safe I chose the latter, intending to clean my vessel and take in a supply of water. When anchored there I had not quite decided whether to come back in the Pacific Ocean or to keep on north, bound for the Arctic Ocean, my destination. The charge against me is of catching seals in Alaskan waters, that is, within 3 leagues of shore. Any one who knows anything of sealing is aware that such a charge is ridiculous, as we never look for seals within 20 miles of shore. They are caught all the way from between 20 and 150 miles of the land. The seals we packed up on our vessel were shot between Cape Flattery and Saunakh, situated 40 miles south and east of Unimak Island. All this territory lies within the North Pacific Ocean.'"

What makes the present seizures more inexplicable is the fact that the British schooners seized last year were ordered to be released by Attorney-General Garland, as is shown by the following copies of the orders in the possession of Carne and Munsie, of this city:—

(Copy of Telegram.)

"Washington, D. C., January 26, 1887.

"To Judge Lafayette Dawson and Mr. D. Ball, District Attorney, Sitka, Alaska.

"I am directed by the President to instruct you to discontinue all further proceedings in the matter of the seizure of the British vessels 'Caroline,' 'Onward,' and 'Thornton,' and discharge all vessels now held under such seizure, and release all persons that may be under arrest in connection therewith.

(Signed)

"A. H. GARLAND, Attorney-General."

(Copy of Order.)

"To Barton Atkins, United States' Marshal for the District of Alaska.

"You are hereby directed to release the vessels 'Carolina,' 'Onward,' 'Thornton,' and 'San Diego,' which were seized in Behring's Sea for violation of section 1956, United

States' Statutes, together with their tackle, apparel, skins, guns, ammunition, small boats, and everything pertaining to said vessels.

"This 19th day of February, 1887.

(Signed)

"LAFAYETTE DAWSON,
"District Judge, District of Alaska."

It would appear from the above that the United States had given up the foolish contention of possessing the control over the high seas. The following letter was received by Mr. Munsie from the Deputy Minister of Fisheries in reply to a letter:—

"Sir,

"Ottawa, April 2, 1887.

"Having reference to your inquiry on the subject of claims for indemnity on the part of the owners of the Canadian sealing-vessels seized in Behring's Sea by the United States' Revenue cutter 'Corwin,' who have been arrested and released; also that the conclusion of any questions involved is reserved for the present; and to inform you that the Government has forwarded to the Home Government the details of your claim to be indemnified for the loss consequent upon the seizure of your vessels.

"I am, &c.

(Signed)

"JOHN TILTON,
"Deputy Minister of Fisheries."

Again, in answer to another letter, Mr. Munsie received the following reply:—

"Dear Sirs,

"Ottawa, July 26, 1887.

"I have to acknowledge the receipt of your letter of the 19th instant, addressed to the Minister of Marine and Fisheries, in which you state, 'We have not received a single word from the United States' Government about the "release of the vessels,"' referring, of course, to those seized last season.

"On the 2nd April last I communicated to you the decision of the President of the United States, in so far as releasing the vessels, &c., which letter you acknowledged.

"Have you made any application for the surrender of the vessels, or have you reason to suppose the United States' Government would communicate the action to you by other means than the ordinary official channel?

"This Department lost no time in communicating the decision in question to you, with the expectation that you would at once take steps to regain possession of the vessels.

"I am, &c.

(Signed)

"JOHN TILTON,
"Deputy Minister of Fisheries."

From the above official orders of the American authorities and the correspondence of the Dominion Government, sealers here were quite natural in believing that no further seizures would be made during the present season. However, the reverse is the case, and the American authorities have evidently fully prepared in order to do as much injury as possible to the sealing interests outside those controlled by the Alaska Commercial Company.

British and American sealers have fared alike. The latter probably the worst. Owners of vessels here are naturally indignant at the turn of affairs, and think that more definite information should have been given them before their vessels sailed as to the intentions of the Americans. Now that they are seized they consider the Imperial authorities should move at once in the matter, and demand instant redress from the United States for a breach of international law, and for the damages sustained by British subjects while legally fishing on the high seas. They are beginning to wonder if, indeed, England is mistress of the seas when such high-handed piratical acts as those perpetrated last year, and again repeated this, are allowed to occur without some protection being given to British subjects or redress secured for damage done to property and interests at the hands of Americans.

From the "Alaskan" is also gathered the following in regard to the disposition of this and last year's seizures:—

"Marshal Atkins has been notified by Deputy-Marshall Anderson of Ounalaska, that the Commander of the steamer 'Rush' has delivered into his custody 964 fur seal-skins seized from the different prize vessels, the American schooner 'Challenger,' and the British schooners 'W. P. Sayward' and 'Anna Beck.' All the above-mentioned seal-skins were packed and salted in a kinch in one of the Alaska Commercial Company's warehouses, awaiting further instruction from the Marshal.

"The 'Anna Beck' has been dismantled and a complete inventory taken of everything on board.

"The 2,082 seal-skins, the result of last year's seizures, were shipped consigned to the Marshal on the Alaska Commercial Company's steamer 'Dora,' which left Ounalaska on the 8th July bound to San Francisco.

"Nineteen Indians and three sailors, belonging to the 'W. P. Sayward,' and two of the 'Challenger's' crew, left Sitka in the early part of the week on board several canoes and one boat, *en route* for Victoria and Seattle. They took with them a large supply of provisions furnished by the commander of the 'Sayward.'

"Marshal Atkins has received advices from the Deputy-Marshal at Ounalaska under a recent date, stating that the three British schooners seized last August in the Behring's Sea and now lying at Ounalaska are in good condition, every care having been taken to protect them from injury. One of the vessels, which was in a leaky condition when first captured, was beached in order to save continuous pumping.

"In the District Court on Tuesday morning, H. B. Jones, captain, and Carl Erickson, mate of the schooner 'Challenger,' Louis Olsen, captain, and Michael Keefe, mate of the steam schooner 'Anna Beck,' and George R. Ferry, captain of the schooner 'W. P. Sayward,' appeared before Judge Dawson and made an application that they be permitted to surrender their bonds on the ground that they were devoid of the funds necessary for their subsistence. The Court granted the application, and ordered that the defendants be placed in the custody of the United States' Marshal.

"The arms and ammunition seized on the schooners 'City of San Diego' and 'Sierra'—comprising in all nine rifles and guns and about 1,400 cartridges—will be sold by auction in Sitka on Monday, the 8th proximo, by the Marshal. The seized arms and ammunition taken from the schooners 'San Diego,' 'Thornton,' and 'Onward,'—comprising some fifty rifles, breech-loading guns and rifles, and several thousand rounds of ammunition,—will be offered for sale at Juneau as soon as the necessary instructions are received from Washington."

Bayard's Opinion.

The following telegram is another unofficial announcement, and seems to be rather out of harmony with the official acts of the commanders of the Revenue cutters:—

"Washington, July 20.

"Secretary Bayard, when he was shown to-day a despatch from Ottawa, stating that 'the Dominion Government is protesting against the discourtesy shown by the United States' authorities in ignoring its demand for reparation for the seizure and detention of the British Columbia sealers seized in Behring's Sea last year,' said:—'In the first place, no demand was ever made to our Government by any body, either for the release of the vessels in question or for damages for their detention; and, in the second place, if any such demand had been made, it could not have come by any possibility from the Dominion Government, with which we have absolutely no diplomatic relations whatsoever. The vessels in question were released upon representations of the British Government that they were British vessels. They were released, because our right to hold them was deemed too doubtful to be enforced. Our Government did what it believed to be right in the matter, without constraint from any quarter. The probability is that the "Anna Beck," alleged to be a British steam schooner from Victoria, the arrest of which by the Revenue cutter "Rush" for alleged violation of our Alaska Revenue Laws was reported yesterday, will be released the same way if the facts are as alleged. The claim that Behring's Sea is a *mare clausum* upon which the seizure of foreign vessels for violating our Revenue Laws proceeds seems to be untenable. We contended that it was not when Russia owned all the territory on both sides of it. Now that we own half and Russia half, it seems impossible to maintain the *mare clausum* theory.'"

What course of action will be followed by the people here is not yet determined, but some steps should be taken by the Local and Civic Governments in order to convey the deep feeling of indignation entertained against the repeated acts of lawlessness on the part of the American authorities, and their regret that better protection is not afforded our fishing interests.

A. Laing, mate of the "W. P. Sayward," arrived down from Nanaimo last evening, having left the "Idaho" at that point. He corroborates the fact that the "Rush" was entering Sitka as the steamer left, having in charge a number of schooners, the names of which were unknown. The Americans evidently intend to make a clean sweep of the schooners sealing north this season. Portions of the crews of the seized schooners are on the "Idaho" and will arrive over from Port Townsend to-day. A number of sailors and Indians have started for Victoria in boats.

It was reported that Captain Miner, of the schooner "Penelope," had overpowered the men put on his schooner as a prize crew, and was now on his way to Victoria with his unwilling passengers.

No. 53.

The Marquis of Salisbury to Sir L. West.

Sir,

Foreign Office, September 10, 1887.

BY a despatch of the 30th October last the late Earl of Iddesleigh instructed you to call the attention of the United States' Secretary of State to the circumstances of the seizure in Behring's Sea, by the American cruiser "Corwin," of some British Canadian vessels; and his Lordship directed you to state to Mr. Secretary Bayard that Her Majesty's Government felt sure that if the proceedings which were reported to have taken place in the United States' District Court were correctly described, the United States' Government would admit their illegality, and would cause reasonable reparation to be made to the British subjects for the wrongs to which they had been subjected and for the losses which they had sustained.

By a previous despatch of the 9th September you had been desired to ask to be furnished with any particulars which the United States' Government might possess relative to the seizures in question; and on the 20th October you were instructed to enter a protest on behalf of Her Majesty's Government, and reserve for consideration hereafter all rights to compensation.

Nearly four months having elapsed without any definite information being furnished by the United States' Government as to the grounds of the seizures, my predecessor instructed you, on the 8th January last, to express to Mr. Bayard the concern of Her Majesty's Government at the delay, and to urge the immediate attention of the United States' Government to the action of the American authorities in their treatment of these vessels and of their masters and crews.

On the 3rd February Mr. Bayard informed you that the record of the judicial proceedings which he had called for was shortly expected to reach Washington, and that, without conclusion at that time of any questions which might be found to be involved in these cases of seizures, orders had been issued by the President's direction for the discontinuance of all pending proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith.

On the 4th April, under instructions from me, you inquired of Mr. Bayard, in view of the approaching fishing season in Behring's Sea, whether the owners of British vessels might rely when not near land on being unmolested by the cruisers of the United States, and you again asked when the record of the judicial proceedings might be expected. Mr. Bayard informed you, in reply (12th April), that the papers referred to had reached him and were being examined; that there had been unavoidable delay in framing appropriate Regulations and issuing orders to the United States' vessels to police the Alaskan waters; that the Revised Statutes relating to Alaska, Sections 1956 and 1971, contained the Laws of the United States in relation to the matter; and that the Regulations were being considered, and he would inform you at the earliest day possible what had been decided, so that British and other vessels might govern themselves accordingly.

In view of the statements made by Mr. Bayard in his note of the 3rd February, to which I have referred above, Her Majesty's Government assumed that, pending a conclusion of the discussion between the two Governments on the general question involved, no further similar seizures of British vessels would be made by order of the United States' Government. They learn, however, from the contents of Mr. Bayard's note of the 13th August last, inclosed in your despatch of the 15th August, that such was not the meaning which he intended should be attached to his communication of the 3rd February; and they deeply regret to find a proof of their misinterpretation of the intentions of the United States' Government from an announcement recently received from the Commander-in-chief of Her Majesty's naval forces in the Pacific, that several more British vessels engaged in seal-hunting in Behring's Sea have been seized when a long distance from land by an American Revenue vessel.

Her Majesty's Government have carefully considered the transcript of record of the judicial proceedings in the United States' District Court in the several cases of the schooners "Carolina," "Onward," and "Thornton," which were communicated

to you in July, and were transmitted to me in your despatch of the 12th of that month, and they cannot find in them any justification for the condemnation of those vessels.

The libels of information allege that they were seized for killing fur-seal within the limits of Alaska Territory, and in the waters thereof, in violation of Section 1956 of the Revised Statutes of the United States; and the United States' Naval Commander Abbey certainly affirmed that the vessels were seized within the waters of Alaska and the Territory of Alaska; but according to his own evidence they were seized 75, 115, and 70 miles respectively south-south-east of St. George's Island.

It is not disputed, therefore, that the seizures in question were effected at a distance from land far in excess of the limit of maritime jurisdiction which any nation can claim by international law, and it is hardly necessary to add that such limit cannot be enlarged by any municipal law.

The claim thus set up appears to be founded on the exceptional title said to have been conveyed to the United States by Russia at the time of the cession of the Alaska Territory. The pretension which the Russian Government at one time put forward to exclusive jurisdiction over the whole of Behring's Sea was, however, never admitted either by this country or by the United States of America. On the contrary, it was strenuously resisted, as I shall presently show, and the American Government can hardly claim to have received from Russia rights which they declared to be inadmissible when asserted by the Russian Government. Nor does it appear from the text of the Treaty of 1867 that Russia either intended or purported to make any such grant; for, by Article I of that instrument, Russia agreed to cede to the United States all the territory and dominion then possessed by Russia "on the Continent of America and in the adjacent islands" within certain geographical limits described, and no mention was made of any exclusive right over the waters of Behring's Sea.

Moreover, whatever rights as regards their respective subjects and citizens may be reciprocally conferred on the Russian and American Governments by Treaty stipulation, the subjects of Her Majesty cannot be thereby affected, except by special arrangement with this country.

With regard to the exclusive claims advanced in times past by Russia, I transmit to you documents communicated to the United States' Congress by President Monroe in 1822, which show the view taken by the American Government of these pretensions.

In 1821 the Emperor of Russia had issued an Edict establishing "Rules for the limits of navigation and order of communication along the coast of the Eastern Siberia, the north-western coast of America, and the Aleutian, Kurile, and other islands."

The first section of that Edict said: "The pursuit of commerce, whaling, and fishery, and of all other industry on all islands, ports, and gulfs, including the whole of the north-west coast of America, beginning from Behring's Straits to the 51st degree of northern latitude; also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring's Straits to the south Cape of the Island of Urup, viz., to the 45° 50' of northern latitude, is exclusively granted to Russian subjects;" and section 2 stated: "It is, therefore, prohibited to all foreign vessels not only to land on the coast and islands belonging to Russia, as stated above, but also to approach them within less than 100 Italian miles. The transgressor's vessel is subject to confiscation, along with the whole cargo."

A copy of these Regulations was officially communicated to the American Secretary of State by the Russian Minister at Washington on the 11th February, 1822; whereupon Mr. Quincy Adams, on the 25th of that month, after informing him that the President of the United States had seen with surprise the assertion of a territorial claim on the part of Russia, extending to the 51st degree of north latitude on the American Continent, and a Regulation interdicting to all commercial vessels other than Russian, upon the penalty of seizure and confiscation, the approach upon the high seas within 100 Italian miles of the shores to which that claim was made to apply, went on to say that it was expected before any act which should define the boundary between the territories of the United States and Russia, that the same would have been arranged by Treaty between the parties, and that "to exclude the vessels of American citizens from the shore *beyond the ordinary* distance to which territorial jurisdiction extends has excited still greater surprise;" and Mr. Adams asked whether the Russian Minister was authorized to give explanations of the "grounds of right, upon principles generally recognized by the laws and usages of nations, which can warrant the claims and Regulations."

The Russian Minister, in his reply, dated the 28th February, after explaining how Russia had acquired her possessions in North America, said :—

“I ought, in the last place, to request you to consider, Sir, that the Russian possessions in the Pacific Ocean extend on the north-west coast of America from Behring's Strait to the 51st degree of north latitude, and on the opposite side of Asia and the islands adjacent from the same Strait to the 45th degree. The extent of sea of which these possessions form the limits comprehends all the conditions which are ordinarily attached to *shut seas* (*mers fermées*), and the Russian Government might consequently judge itself authorized to exercise upon this sea the right of sovereignty, and especially that of entirely interdicting the entrance of foreigners; but it preferred only asserting its essential rights without taking advantage of localities.”

On the 30th March Mr. Adams replied to the explanations given by the Russian Minister. He stated that, with respect to the pretension advanced in regard to territory, it must be considered not only with reference to the question of territorial rights, but also to that prohibition to the vessels of other nations, including those of the United States, to approach within 100 Italian miles of the coasts. That from the period of the existence of the United States as an independent nation their vessels had freely navigated these seas, the right to navigate them being a part of that independence; and with regard to the suggestion that “the Russian Government might have justified the exercise of sovereignty over the Pacific Ocean as a close sea, ‘because it claims territory both on its American and Asiatic shores,’ it may suffice to say that the distance from shore to shore on this sea, in latitude 51° north, is not less than ninety degrees of longitude, or 4,000 miles.” Mr. Adams concluded as follows: “The President is persuaded that the citizens of this Union will remain unmolested in the prosecution of their lawful commerce, and that no effect will be given to an interdiction manifestly incompatible with their rights.”

The Convention between the United States of America and Russia of the 17th April, 1824, put an end to any further pretension on the part of Russia to restrict navigation or fishing in Behring's Sea so far as American citizens were concerned; for by Article I it was agreed that in any part of the Great Ocean, commonly called the Pacific Ocean or South Sea, the respective citizens or subjects of the High Contracting Powers shall neither be disturbed nor restrained, either in navigation or fishing, saving certain restrictions which are not material to the present issue; and a similar stipulation in the Convention between this country and Russia in the following year (15th May, 1825) put an end, as regarded British subjects, to the pretensions of Russia to which I have referred, and which had been entirely repudiated by Her Majesty's Government in correspondence with the Russian Government in 1821 and 1822, which for your more particular information I inclose herein.

Her Majesty's Government feel sure that, in view of the considerations which I have set forth in this despatch, which you will communicate to Mr. Bayard, the Government of the United States will admit that the seizure and condemnation of these British vessels, and the imprisonment of their masters and crews, were not warranted by the circumstances, and that they will be ready to afford reasonable compensation to those who have suffered in consequence, and issue immediate instructions to their naval officers which will prevent a recurrence of these regrettable incidents.

I am, &c.
(Signed) SALISBURY.

No. 54.

Sir H. Holland to the Marquis of Lansdowne.

My Lord,

Downing Street, September 14, 1887.

WITH reference to previous correspondence, I have the honour to acquaint you, for the information of your Ministers, that the Marquis of Salisbury caused to be referred to the Law Officers the correspondence which has passed respecting the seizure of the three British sealing-vessels, the “Thornton,” the “Carolina,” and the “Onward,” by the United States' Revenue cruizer “Corwin,” in Behring's Sea, and that they advised that a claim for compensation might properly be made against the United States' Government.

I telegraphed to you on the 7th instant that it was proposed to prefer a claim for compensation against the United States' Government, and inquiring what amount your

Ministers would suggest ; but as at present advised it does not seem to me desirable to put forward the claims which accompanied your despatch of the 15th January, as some of them are apparently much exaggerated, and a new issue would be raised as to the reasonableness of the claims.

In the meantime, the Marquis of Salisbury has addressed the despatch, of which I inclose a copy,* to Her Majesty's Minister at Washington, desiring him to communicate it to the Secretary of State.

Your Ministers will no doubt take this matter into consideration at the earliest moment.

I have, &c.
(Signed) H. T. HOLLAND.

No. 55.

Sir L. West to the Marquis of Salisbury.—(Received September 15.)

My Lord, Washington, September 6, 1887.

I HAVE the honour to inclose to your Lordship herewith an article from the "New York Times" on maritime jurisdiction in Behring's Sea.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 55.

Extract from the "New York Times" of September 5, 1887.

A DISPUTED OCEAN.—When the new Fisheries "Commission," as Mr. Bayard insists it should not be called, was first announced in Parliament, it was said that its scope would be limited to the controversy between Canada and the United States. But in response to Mr. Gourlay's inquiry, it was subsequently added that the question of including the Alaska seal fisheries was under consideration. It is therefore none too early for public opinion to begin seriously to shape itself on a question about which much less has been said than in the interminable codfish squabble. It is, moreover, a very pretty question in itself, that of our rights in Behring's Sea, and involves issues of no slight intrinsic value.

As everybody knows, Russia regarded Behring's Sea as hers, just as we regard Delaware and Chesapeake Bays as ours, to compare little things with big. Then Russia ceded to us the coast on one side of this little ocean, together with one-half the ocean itself. Next, Congress sold the right of catching seals in what we will call "our" part of that ocean. And now the question of our rights arises upon the catching red-handed poachers who happen to be British. It is intimated that Russia could not convey to us what she did not own herself, and that when we bought Alaska we took in fact much less than the deed, that is the Treaty, recited.

The merits of the question are of course involved in Russia's rights. Her exclusive rights were not conceded, but, on the contrary, were promptly attacked when they were announced in the Ukase of 1821. The title was thus clouded, but it was not invalidated. Russia's last word was that, although she did not care to argue about her rights, whoever invaded them did so at his peril. Instead of quarrelling, Russia and the United States agreed that the citizens of both countries should have unrestrained privileges in those waters. In other words, although Russia's right of exclusion of Americans was disputed, it was deemed good enough by us in 1824 to be the basis of a bargain. Great Britain made a similar Treaty the next year. The British Treaty is still in force, we suppose, over the western, or Russian, half of Behring's Sea. Great Britain's rights in the western half are therefore based on the same title as ours in the eastern. She cannot admit the rights of the Czar and deny those of the United States. On the other hand, the United States are not thus involved. We protested against the pretensions of the Czar because they injured American commerce. But, having acquired the Czar's asserted rights by purchase, we are now as much interested in defending them as we before were in attacking them. At the very least we can require that whoever questions those rights should come into Court with clean hands. That means much in connection with this topic, as can readily be made clear:

Russia's rights are attacked on the very simple ground that she might as well have annexed the open ocean as Behring's Sea. Russia's position was that the Aleutian Isles, scattered along in a chain between Asia and America, cut off that northern portion of the Pacific Ocean and made it an interior sea, like Hudson's Bay, in British North America, or like the Gulf of California. The claim would be more readily conceded if the Aleutian Isles were more contiguous. As matter of fact, 900 miles of blue water separate the westernmost island from the most eastern extension of Russian mainland. But between the two most separated islands the distance, it must be admitted, is considerably less. Still, it would be enough to overthrow the *mare clausum* theory were the attack made by any other nation than England. That "closed sea" theory is briefly an agreement among nations that so many of them as have sea-coasts may annex so much of the ocean as they can control, and control is construed to extend as far as a cannon-ball can reach. That is the antiquated theory on which exclusive maritime jurisdiction is conceded by nations to one another over the ocean 3 miles from shore. Of course, if two capes were only 3 miles apart the interior sea beyond them would, on the strict *mare clausum* contention, be conceded to the nation owning the capes, but not otherwise.

But neither England nor the United States should push this closed sea argument too hard or too far. England once claimed to own the entire ocean surrounding the British Isles, and in 1806 the United States thought it ought to be conceded a right to exclude belligerents from the Atlantic Ocean between the Gulf Stream and the mainland. To abandon extreme positions and come down to the contentions of to-day, England, which denies to Russia the right to define its possessions by imaginary lines drawn from island to island, assumes to itself the right to exclude Americans from the open ocean included by an imaginary line from headland to headland. Who seeks equity must do equity. The English must not both keep their codfish and grab our seals. On the other hand, by the strictest technical argument it might be that we could both keep what Russia sold us and get what England unjustly denies us. Secretary Bayard has given abundant intimation of his opinion that a plenary Council would limit the rights which the Czar assumed to convey to us. It is given out that the proper thing would be to arrange upon rules for all to observe regarding seal-fishing. Perhaps so. But that leaves the dispute of right and title untouched, and who can say in what form it may return to plague us? Moreover, while Americans are doubtless prepared to yield what others justly claim, still, there should be no surrender before challenge.

No. 56.

The Marquis of Salisbury to Sir L. West.

Sir,

Foreign Office, September 15, 1887.

IT appears from the transcript of the record of the judicial proceedings in the cases of the schooners "Carolina," "Onward," and "Thornton," forwarded in your despatch of the 12th July last, that in each case notice was given of appeal from the finding of the District Court.

I have to request that you will ascertain whether the owners of the vessels have taken steps to prosecute the appeal, and if so, when such appeal may be expected to come on for hearing.

I am, &c.

(Signed) SALISBURY.

No. 57.

Colonial Office to Foreign Office.—(Received September 16.)

Sir,

Downing Street, September 15, 1887.

WITH reference to previous correspondence, I am directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Marquis of Salisbury, copies of two despatches from the Governor-General of Canada, forwarding papers respecting the recent seizure of British sealing-vessels by a United States' Revenue cutter in Behring's Sea.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 57.

*The Marquis of Lansdowne to Sir H. Holland.*Sir, *New Derreen, New Richmond, P.Q., August 19, 1887.*

I HAVE the honour to inclose herewith, for your information, copies of a Report which has been received by my Minister of Marine and Fisheries from the Collector of Customs at Victoria, British Columbia, in regard to the seizure of the sealers "Grace," "Dolphin," and "W. P. Sayward" by the United States' Revenue cutter "Richard Rush."

2. I beg to call your especial attention to the deposition inclosed in Mr. Hamley's Report of Captain Laing, of the "W. P. Sayward." You will observe that Captain Laing states positively that the seals of which the skins were found on board his vessel were not taken in the Behring's Sea.

3. It is scarcely necessary to dwell upon the grievous hardship occasioned by these seizures, for which, as far as I am aware, no justification has yet been forthcoming, not only to the owners and to the officers and crews, but to the Indian hunters on board who were, it appears, left to find their way home as they could from Sitka to their own villages, distant about 700 miles from that place.

I have, &c.
(Signed) LANSDOWNE

Inclosure 2 in No. 57.

*The Marquis of Lansdowne to Sir H. Holland.*Sir, *The Citadel, Quebec, August 27, 1887.*

WITH reference to my despatch of the 19th instant, in regard to the seizure of the sealers "Grace," "Dolphin," and "W. P. Sayward" by the United States' Revenue cutter "Richard Rush," I have the honour to forward herewith copy of an approved Minute of the Privy Council of Canada, to which are appended copies of the following documents:—

1. A letter from H. Hamley, Collector of Customs at Victoria, British Columbia, to the Minister of Marine and Fisheries.

2. The affidavit of Andrew Laing, mate of the seized schooner "Sayward," sworn to at Victoria on the 8th August, 1887.

3. The information filed in the District Court of the United States for the District of Alaska against the master and mate of the "Sayward."

It is requested that these papers, copies of which were inclosed in my above-mentioned despatch, may be transmitted to the Foreign Office, in order that a remonstrance may be addressed to the United States' Government against the unwarrantable action of the Commander of the "Rush," and a claim made for all damages arising from the seizure of the "Sayward," and the detention of her officers and crew.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 3 in No. 57.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on August 23, 1887.

ON a Report, dated the 17th August, 1887, from the Minister of Marine and Fisheries, submitting, with reference to the seizure by the United States' steamer "Richard Rush" on the 9th July last, in the Behring's Sea, of the British schooner "W. P. Sayward," of Victoria, the following papers:—

1. A letter from W. Hamley, Collector of Customs at Victoria, British Columbia, to the Minister of Marine and Fisheries;

2. The affidavit of Andrew Laing, mate of the seized schooner, sworn to at Victoria on the 8th August, 1887; and

3. The information filed in the District Court of the United States for the District of Alaska against the master and mate of the "Sayward;"

The Minister observes that, upon reference to the affidavit of the mate of the schooner

"Sayward," it appears that all the seals on board the vessel were taken in the Pacific Ocean, and before the vessel entered the Behring's Sea, so that even the alleged claim on the part of the United States' Government to jurisdiction in the Behring's Sea is not available in the case now complained of; and would also call attention to the reply of the Commander of the United States' steamer "Richard Rush," in which he states his orders were "to take everything he came across in the Behring's Sea."

The Committee recommend that your Excellency be moved to forward copies of the annexed papers to the Right Honourable the Principal Secretary of State for the Colonies, for transmission to the Foreign Office, in order that a remonstrance may be made to the United States' Government for so unwarrantable an act as that committed by the Commander of the "Richard Rush," and a claim made for all damages arising out of the seizure of the schooner "W. P. Sayward" in the open sea, and the detention of her officers and crew, and also that copies of the papers be sent to Her Majesty's Minister at Washington.

All which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. McGEE, *Clerk,*
Privy Council.

Inclosure 4 in No. 57.

Mr. Hamley to the Hon. G. E. Foster.

Sir,

Custom-House, Victoria, August 9, 1887.

ON the 5th instant I sent you word by telegram that three more Canadian vessels had been seized in Behring's Sea, and sent to Sitka, "Grace," "Dolphin," and "W. P. Sayward." This news reached us by the steamer "Olympian," and, the day following, the mate of the "W. P. Sayward," one of the seized vessels, came down on the steamer "Idaho." I had him here at the custom-house, and his statement in some particulars was so important that I thought it desirable that it should be taken down before a notary public, and the deposition forwarded to you. I inclose it herewith. The seizure was made on the 9th July by the master of the Revenue cutter "Rush" in Behring's Sea, from 30 to 40 miles from any land; the mate denies that any seal was killed in Behring's Sea; the skins, 479 in number, all taken, he says, in the Pacific, were lodged in the Alaska Company's warehouse at Ounalaska, and the vessel herself sent to Sitka. There is no doubt now, from the declaration of the master of the United States' Revenue cutter made openly on the deck of the "W. P. Sayward," that, in seizing this and other Canadian vessels, he was acting under direct instructions from the United States' Government.

I forward also the information laid in the District Court at Sitka by the United States' Attorney Ball against the master and mate of the "W. P. Sayward." The indictments against the masters and mates of the other vessels are in the same form and terms—the complaint being that they had killed fur-seals in Behring's Sea, contrary to the Statutes of the United States, and against the peace and dignity of the United States of America. The case is to be heard in the District Court at Sitka on the 22nd of this month. The mate of the "W. P. Sayward" was allowed out on bail in 500 dollars, and returned last night for the trial.

I have, &c.

(Signed)

W. HAMLEY.

Inclosure 5 in No. 57.

Declaration of Andrew Laing.

[See Inclosure 3 in No. 52.]

Inclosure 6 in No. 57.

In the District Court of the United States for the District of Alaska.

The United States v. George R. Ferry and A. Laing.—Information.

[See Inclosure 2 in No. 52.]

No. 58.

Colonial Office to Foreign Office.—(Received September 26.)

Sir,

Downing Street, September 24, 1887.

WITH reference to recent correspondence, I am directed by Secretary Sir Henry Holland to transmit to you, for such action upon it as the Marquis of Salisbury may think proper to take, a telegram received this day from the Governor-General of Canada, relating to the question of the release of the British Columbian sealing-vessels seized by the United States' authorities in Behring's Sea.

This telegram appears to relate to the vessels seized last year.

I am to request to be informed of any communication which may be made to the United States' Government in order that a reply may be sent to the Governor-General.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure in No. 58.

The Marquis of Lansdowne to Colonial Office.

(Telegraphic.)

September 23, 1887.

I UNDERSTAND that, after Mr. Bayard's announcement of the 3rd February respecting Behring's Sea seizures, instructions were sent in accordance with it to the Alaska authorities by telegraph; that an instrument for the release of the vessels was thereupon issued by the District Judge, but that subsequently, on the assumption that the telegram was forged, he rescinded the order; that no steps have been taken by the Department since; the vessels are still detained.

My Government trusts the facts will be inquired into.

No. 59.

The Marquis of Salisbury to Sir L. West.—(Substance telegraphed.)

Sir,

Foreign Office, September 27, 1887.

I TRANSMIT to you, for your information, a copy of a letter from the Colonial Office,* inclosing a telegram from the Governor-General of Canada, from which it appears that the British schooners "Carolina," "Onward," and "Thornton," referred to in your despatch of the 4th February last, have not yet been released.

In his note of the 3rd February, inclosed in your above-mentioned despatch, Mr. Bayard stated that "orders have been issued, by the President's direction, for the discontinuance of all pending proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith."

Her Majesty's Government regret to learn that delay has taken place in the release of the three vessels, and I have to instruct you to inquire the reason why the directions of the President, as above quoted, have not been carried out.

I am, &c.

(Signed) SALISBURY.

No. 60.

The Marquis of Salisbury to Sir L. West.

Sir,

Foreign Office, September 27, 1887.

I TRANSMIT to you herewith copies of two despatches addressed to Her Majesty's Secretary of State for the Colonies by the Governor-General of Canada,* forwarding papers relative to the seizure in Behring's Sea by the United States' Revenue cutter "Richard Rush" of three British Colombian vessels, the "Grace," the "Dolphin," and the "W. P. Sayward."

I have to request that you will make a representation to the United States' Government on the subject of the seizure and detention of these vessels in connection with the representations which I instructed you to make in the cases of the "Onward," the "Carolina," and the "Thornton," and that you will reserve all rights to compensation on behalf of the owners and crews.

You should point out to Mr. Bayard that in the case of the "W. P. Sayward," according to the deposition of her mate no seals had been taken by her crew in Behring's Sea as is alleged in the libel of information filed on behalf of the United States' District Attorney in the District Court of Alaska.

I am, &c.

(Signed) SALISBURY.

No. 61.

Memorandum communicated by Baron Plessen, October 5, 1887.

THE Imperial Government would like to know what are the views of Her Britannic Majesty's Government with regard to the American proposal for an International Convention for the protection of seals in the Behring's Sea.

No. 62.

Sir L. West to the Marquis of Salisbury.—(Received October 6.)

{Extract.}

Washington, September 23, 1887.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 10th instant, and to inform your Lordship that I communicated it this day to the Secretary of State, and, at his request, left a copy of it in his hands.

No. 63.

Admiralty to Foreign Office.—(Received October 6.)

Sir,

Admiralty, October 4, 1887.

I AM commanded by the Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for Foreign Affairs, copy of a letter from the Commander-in-chief on the Pacific Station, dated the 14th September, inclosing a list of the schooners that have been sealing, extracted from the "Victoria Colonist" newspaper, dated the 13th September.

A similar letter has been sent to the Colonial Office.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 63.

Rear-Admiral Culme-Seymour to Admiralty.

Sir,

"Triumph," at Esquimalt, September 14, 1887.

THE sealing season being now over, I have the honour to inclose a list of the schooners that have been sealing, cut from the "Victoria Colonist" of yesterday's date. It is not yet known whether the five vessels "to arrive" have been seized or not, but they are overdue here.

* Inclosures in No. 57.

With reference to the schooner "Alfred Adams," I am credibly informed she was boarded by the American Revenue schooner in Behring's Sea, her skins (1,300 in number) taken out, as well as her arms, and she was told to proceed to Sitka. No one being put on board, the captian brought his vessel down here.

No orders whatever have ever been received here with regard to the release of the schooners seized last year, which are now, I believe, high and dry at Ounalaska, worm-eaten and worthless.

I have, &c.
(Signed) M. CULME-SEYMOUR.

Inclosure 2 in No. 63.

Extract from the "Daily Colonist," Victoria, B. C., of September 13, 1887.

List of Vessels Arrived, with their total Catch; those to Arrive; Schooners seized.

THE following is the list of sealing schooners which have arrived in port with their northern catches; also those to arrive and those seized. The coast catch by Indians and the spring catch by American sealers disposed of in Victoria are also appended:—

VESSELS ARRIVED.

Name.	Spring Catch.	Northern Catch.	Total.
Pathfinder	400	2,377	2,817
Penelope	1,000	1,500	2,500
Mary Ellen	367	2,090	2,457
Lottie Fairfield	400	2,600	3,000
Mary Taylor	200	800	1,000
Mountain Chief	400	687	1,087
Black Diamond	..	964	..
Adela	164	1,350	1,514

VESSELS TO ARRIVE.

Ada	349	..	..
Kate	1,030	..	..
Favourite	307	..	..
Theresa	21	..	..
Triumph	..	..	..

VESSELS SEIZED.

Dolphin	1,500	..	..
Grace	..	..	..
Anna Beck	..	..	..
W. P. Sayward	..	..	..
Alfred Adams	..	..	..

The number of seals caught by American schooners and sold in this city is as follows:—

Helen Blum	436
Sylvia Handy	139
San José	197
City of San Diego	200
Vanderbilt	617
Discovery	250

The Neah Bay schooner "Lottie's" northern catch was disposed of the other day, and amounted to 700 skins.

This makes the total catch, so far as could be gleaned yesterday, 19,046 skins by British vessels, and 2,539 skins disposed of by American schooners.

The catch off the west coast by the Indians and sold to store-keepers was 500.

The total number of skins brought into port for this season will represent in dollars, at 6 dol. 50 c. per skin, the handsome sum of 140,302 dol. 50 c.

No. 64.

Sir L. West to the Marquis of Salisbury.—(Received October 10.)

My Lord,

Washington, September 28, 1887.

IN pursuance of the instructions contained in your Lordship's telegram of yesterday's date, I have this day addressed a note to Mr. Bayard, copy of which is herewith inclosed, inquiring the reason for the non-release of the British vessels mentioned in his note of the 3rd February last.

I also have the honour to transmit herewith to your Lordship copy of an extract from the "New York Tribune" of yesterday bearing on this point.

I have, &c.

(Signed)

L. S. SACKVILE WEST.

Inclosure 1 in No. 64.

Sir L. West to Mr. Bayard.

Sir,

Washington, September 28, 1887.

I HAVE the honour to inform you that Her Majesty's Government have been officially informed that the British vessels mentioned in your note of the 3rd February last have not been released, and that I am instructed to inquire the reason for the delay in complying with the orders sent to this effect, as stated in your above-mentioned note.

I have, &c.

(Signed)

L. S. SACKVILE WEST.

Inclosure 2 in No. 64.

Extract from the "New York Tribune" of September 27, 1887.

THE ALASKA SEIZURES.

Ottawa, September 26, 1887.

THE Government has just received the Report of Mr. Drake, Q.C., who was sent to Alaska to investigate matters in connection with the Behring's Sea seizures. The following is a copy of the despatch addressed to Judge Lafayette Dawson and Colonel Ball, United States' District Attorney at Sitka, which has not been carried out to this day, and in respect to which the Canadian Government has recently sent a strong protest to the mother-country for transmission to Washington:—

"Washington, January 26, 1887.

"I am directed by the President to instruct you to discontinue all proceedings in the matter of seizure of the British vessels 'Carolina,' 'Onward,' and 'Thornton,' and to discharge all vessels now held under such seizures, and release all persons that may be under arrest in connection therewith.

(Signed)

"A. H. GARLAND, Attorney-General."

Judge Dawson thereupon issued an order to Marshal Atkins to release the vessels, but, as stated in previous despatches, afterwards withdrew it on the representation, Mr. Drake says, of Atkins, and against the express opinion of Colonel Ball. A record of the original instructions appears on the books of the District Court, but there is no record of their withdrawal.

The "Onward," "Carolina," and "Thornton" are still beached at Ounalaska, and cannot be removed without considerable expense. The skins taken on these vessels were sent to San Francisco by a steamer belonging to the Alaska Commercial Company. Mr. Drake says he cannot find that there was any authority given by the United States' Government for seizures made last year, but that they seem to have been made at the instance and in the interests of the Commercial Company.

No. 65.

Note from United States' Minister at Stockholm to Swedish Government.—(Communicated by M. d'Adelborg, October 10, 1887.)

THE Government of the United States recognizes the necessity of taking steps for the better protection of the fur-seal fisheries in Behring's Strait. The indiscriminate and unregulated killing of these valuable animals has of late years greatly reduced their number, and threatens in a comparatively short time to all but extinguish them.

The importance of respective Governments entering into an arrangement which shall have for its purpose the regulation of seal-hunting and to the present indiscriminate slaughter of seals, is so apparent that it needs no elaboration.

To this end I am directed to invite the United Kingdoms of Sweden and Norway to enter into such an arrangement with the Government of the United States as will prevent the citizens of either country from killing seal in Behring's Sea in such times and places and by such methods as at present are pursued.

The Governments of Germany, Great Britain, Russia, France, and Japan, have likewise been invited to co-operate to this end.

No. 66.

The Marquis of Salisbury to M. d'Adelborg.

THE Marquis of Salisbury has had the honour to receive the copy of a communication addressed to the Swedish Government by the United States' Minister at Stockholm which Count Adelborg has been good enough to leave at the Foreign Office.

Her Majesty's Government have not received any similar communication from the Government of the United States regarding the protection of the fur-seal fisheries in Behring's Sea. Lord Salisbury would, however, be glad to know whether the invitation to enter into an arrangement on the subject will be accepted by the Swedish Government.

Foreign Office, October 11, 1887.

No. 67.

Foreign Office to Baron Plessen.

SIR J. PAUNCEFOTE has the honour to inform Baron Plessen, with reference to his inquiry of the 5th instant, that no proposal has been made to Her Majesty's Government by the Government of the United States for an International Convention for the protection of seals in Behring's Sea. The Marquis of Salisbury would be glad to be informed of the decision which may be adopted in the matter by the German Government.

Foreign Office, October 11, 1887.

No. 68.

Admiralty to Foreign Office.—(Received October 14.)

Sir,

Admiralty, October 13, 1887.

WITH reference to previous correspondence respecting the seizure of sealing schooners, I am commanded by my Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for Foreign Affairs, copy of a letter from the Commander-in-chief on the Pacific Station dated the 23rd September, forwarding an extract from the "Victoria Daily Times" of Monday, the 19th September, 1887, containing a demurrer handed in at Sitka by Mr. M. W. T. Drake, Q.C., who was sent to Sitka by the Dominion Government of Canada.

I am to request that the newspaper extracts may be forwarded to the Colonial Office for the perusal of Secretary Sir Henry Holland, with a request that they may be returned to the Admiralty when done with.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 68.

Rear-Admiral Seymour to Admiralty.

Sir,

"Triumph," at Esquimalt, September 23, 1887.

REFERRING to the capture of sealing schooners by the American Government, I have the honour to forward a copy of a demurrer handed in at Sitka by Mr. M. W. T. Drake, Q.C., of Victoria, who was sent to Sitka by the Dominion Government of Canada.

2. It would appear by Lord Salisbury's despatch of the 10th August, 1887, that orders were given for the schooners seized in 1886 to be released, and I am informed a telegram to that effect was received at Sitka; nothing was done, and the vessels are, as stated in my letter of the 14th instant, high and dry at Ounalaska, and I am credibly informed so wormeaten and damaged as hardly to be worth removal. Certainly no information has ever been received by any authority here, or by the owners of the schooners seized in 1886, that they were to be released.

3. With regard to the vessels seized this year, the crews have been released and one, of the schooners has been chartered by the authorities at Sitka to proceed to Ounalaska and bring the skins taken out of the schooners seized this year and landed at the latter place, to Sitka. The trials will probably take place at Sitka about this time.

I have, &c.

(Signed) M. CULME SEYMOUR.

Inclosure 2 in No 68.

Extract from the "Victoria Daily Times" of September 19, 1887.

AT present the seizure of the Victoria seal-hunting schooners with their officers, crew, and hunters is the topic of the hour in this city. Mr. Drake's demurrer, the full text of which is herewith given, will be read with especial interest:—

"Brief of Mr. M. W. T. Drake, Q.C.

"(Filed on behalf of the officers of the British sealers.)"

"United States' Court, District of Alaska.

"The United States, Plaintiff, v. J. D. Warren and J. C. Riley, defendants.

"Brief in support of the demurrer filed herein the 30th August, 1887, on behalf of the masters and owners of the British schooners 'Anna Beck,' 'Dolphin,' 'Grace,' and 'W. P. Sayward,' seized by the United States' cutter for an alleged infraction of an Act of the United States' Congress No. 120, being an Act to prevent the extermination of fur-bearing animals in Alaska. The Act is directly against killing seals in the waters adjacent to the islands of St. Paul and St. George and does not refer to any other waters in Behring's Sea, but on referring to section 1956 of the Revised Statutes, the language used is somewhat different, prohibiting the killing of fur-bearing animals within the limits of Alaska Territory or the waters thereof. The first question then to be decided is what is meant by 'the waters thereof.' If the defendants are bound by the Treaty between the United States and Russia ceding Alaska to the United States, then it appears that Russia in 1822 claimed absolute territorial sovereignty over the Behring's Sea and purported to convey practically one half of that sea to the United States, but are the defendants as men belonging to a country on friendly terms with the United States bound by this assertion of Russia? And can the United States claim that the Treaty conveys to them any greater right than Russia herself possessed in these waters? In other words, the mere assertion of a right contrary to the comity of nations can confer on the grantees no rights in excess of those recognized by the law of nations.

"Rights of Great Britain and the United States.

"In inquiring what that right was and how far it was submitted to by the other Powers interested, namely, Great Britain and the United States, we find the United States' Minister at St. Petersburg in 1822 combatting the pretensions of Russia to a jurisdiction over the waters of Behring's Sea for a distance of 100 miles from the coast (for this was the extent of Russia's claim in 1822) in the following expressive language: 'The existence of territorial rights to the distance of 100 miles from the coast and the prohibition of approaching to the same distance from these coasts and from those of all intervening islands are innovations on the law of nations and measures unexampled.' We thus find that the assumption of a limited sovereignty over the waters of Alaska was challenged by the United States, and in consequence was not persisted in, and on the 17th April, 1824, a Convention was concluded between the United States and Russia, whereby it was agreed, 'that in any part of the great ocean commonly called the Pacific Ocean or South Sea, the respective citizens, subjects of the High Contracting Powers, should be neither disturbed

or restrained either in navigation or in fishing or in the power of resorting to the coasts upon points which might not then have been already occupied for the purpose of trading with the natives, saving always the restrictions and conditions contained in certain Articles attached to the Treaty referring to illicit trade with the Indians.'

"A Treaty with Russia.

"The Government of Great Britain, on the 28th February, 1825, also entered into a Treaty with Russia in consequence of the same extravagant pretensions of Russia, which Treaty contains the following provisions: 'It is agreed that the respective subjects of the High Contracting Parties shall not be troubled or molested in any part of the ocean commonly called the Pacific Ocean, either in navigating the same, in fishing therein, or in landing at such parts of the coast as shall not have been already occupied in order to trade with the natives under the restrictions and conditions specified in the then following Articles.' These restrictions are not dissimilar from those attached to the Treaty with the United States. In order to ascertain what were the pretensions of Russia which led to these Treaties it is necessary to refer to the Edict of the Autocrat of all the Russias. By Section 1 it is enacted: 'That the pursuits of commerce, whaling, and fishing, and all other industries on all islands, ports, and gulfs, including the whole of the north-west coast of America, beginning from Behring's Straits to 51° of north latitude, also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring's Straits to the south Cape of the Island of Uruck, namely, 45° 50' northern latitude is exclusively granted to Russian subjects.'

"Russia's Claims.

"Section 2.—'It is therefore prohibited to all foreign vessels not only to land on the coasts and islands belonging to Russia, but also to approach them within less than 100 Italian miles. The transgressor's vessel is subject to confiscation along with the whole cargo.' Thus it appears that Russia claimed 100 miles from the coast of all the islands as well as the mainland of Behring's Sea and south to 45° 50'. It was this claim that led to the indignant remonstrance of the United States and Great Britain, and to the Treaties before referred to, and shows that Behring's Sea was included in the term Pacific Ocean. The pretensions of Russia were never revived, and the citizens of Great Britain as well as the United States had free access at all times to these waters in navigating and fishing without any restriction. And Russia's claim was never revived until she purported to cede to the United States a portion of Behring's Sea. Russia could not sell what she did not own, and the United States could not claim that which it was not in the power of Russia to sell. The Treaty with England has never been abrogated, and was in force when the cession to the United States took place, and there was no need to protest against the extravagant pretensions of Russia in purporting to dispose of the high seas, as until last year no attempt had been made to enforce such a claim.

"Authorities quoted.

"The United States have always been the strongest upholders of the law of nations, and on this head Kent's Commentaries, p. 28: 'The open sea is not capable of being possessed as private property; the free use of the ocean for navigation and fishing is common to all mankind, and the public jurists generally and explicitly deny that the main ocean can ever be appropriated.' He also refers to the claim of Russia, and in another place he states that the 'United States have recognized the limitation of a marine league for general territorial jurisdiction by authorizing the District Courts to take cognizance of all captures made within a marine league of the American shore.' (See Act of Congress, June 5, 1794.)

"And in Wharton's 'International Law Digest,' p. 32, the author says, 'The limit of 1 sea league from shore is provisionally adopted as that of the territorial sea of the United States,' and 'our jurisdiction has been fixed to extend 3 geographical miles from our shores, with the exception of any waters or bays which are so landlocked as to be unquestionably within the jurisdiction of the United States, be their extent what they may.' Behring's Sea is not a gulf or a bay, and is not landlocked by the lands of the United States.

"Secretary Seward's Views.

"Wharton again states that 'a vessel on the high seas beyond the distance of a marine league from the shore is regarded as part of the territory of the nation to which she belongs;' and Mr. Seward, in a letter to Mr. Tassara, 16th December, 1862, tersely

states the principle as follows: 'There are two principles bearing on the subject which are universally admitted: (1) that the sea is open to all nations; and (2) that there is a portion of the sea adjacent to every nation over which the sovereignty of that nation extends, to the exclusion of every other political authority. A third principle bearing on the subject is that the exclusive sovereignty of a nation abridging the universal liberty of the seas extends no further than the power of the nation to maintain it by force stationed on the coast extends.'

"'Terræ dominium * vis.' (The sovereignty of the coast ends where the power to control it by force of arms terminates.) It thus appears that by the comity of nations, sanctioned and approved by American jurists, that the high seas are open to all; that the territorial authority only extends to a marine league, or, at all events, not further than a force on shore can protect the coasts.

"Sovereignty claimed by the United States.

"It also appears that the United States, in claiming sovereignty over the Behring's Sea, is claiming something beyond the well recognized law of nations, and bases her claim upon the pretensions of Russia, which was successfully repudiated by both Great Britain and the United States. A Treaty is valid and binding between the parties to it, but it cannot affect others who are not parties to it. It is an agreement between nations, and would be construed by law as an agreement between individuals. Great Britain was no party to it, and therefore was not bound by its terms.

"It is therefore contended that the proceedings taken against the present defendants are *ultra vires* and without jurisdiction. But in order to press the matter further, it may be necessary to discuss the act itself under which the alleged jurisdiction is assumed. The Act must be construed by what appears within its four corners, and not by any extrinsic document. It is an Act defining a criminal offence, and an Act which abridges the privileges and immunities of citizens must be most strictly construed, and nothing but the clearest expression can or ought to be construed against the interest of the public in applying this principle to the present case. The terms used in the Act itself are, 'The waters adjacent to the Islands of St. George and St. Paul.' 'Adjacent,' in Wharton, p. 846, is held to be adjacent to the coast, and within the territorial jurisdiction of the country. This language, then, does not apply to these defendants, who were 50 miles from the nearest coast. In section 1956 the language is, 'the waters of Alaska.' This must also be construed by the universal law as applying to the territorial limit only. And in a letter from Mr. Evarts to Mr. Foster, in April 1879, referring to a case in which certain American merchant-vessels were seized by the Mexican authorities for an alleged breach of the Revenue Laws, although distant more than 3 miles from shore, it was held to be an international offence, and was not cured by a Decree in favour of the assailants by the Mexican Court.

"So here it is submitted that a Decree of your Honour's Court will not give any validity to the seizures here made, and the defendants, in filing their demurrer and submitting this argument, do not thereby waive their rights or submit to the jurisdiction of the Court."

No. 69.

Sir L. West to the Marquis of Salisbury.—(Substance telegraphed, October 14.)

My Lord,

Washington, October 14, 1887.

WITH reference to the note from the Secretary of State, copy of which was inclosed in my despatch of the 12th instant,* I have the honour to inclose to your Lordship herewith copy of a further reply to my note of the 28th ultimo, expressing regret that misconception of the intentions and orders of the President for the release of the sealers "Onward," "Carolina," and "Thornton" should have delayed their prompt execution, and stating that renewed orders have been forwarded.

I have communicated copy of this note to the Marquis of Lansdowne, the substance of which I telegraphed to your Lordship this day.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

* See No. 73.

Inclosure in No. 69.

*Mr. Bayard to Sir L. West.*Sir, *Department of State, Washington, October 13, 1887.*

CONTINUING my reply to your note of the 29th ultimo, inquiring the reason for the delay in complying with the order issued in January last for the release of British vessels seized last year in Behring's Sea, I beg leave to inform you that I have this day received a communication from my colleague the Attorney-General, informing me that his telegram to the United States' Marshal at Sitka of the 26th January last, ordering the release of the British schooners "Onward," "Carolina," and "Thornton," owing to some misconception and mistake on the part of the official to whom it had been addressed had not been acted upon.

A renewed order has gone forward for their release, as had been distinctly directed last January, and which I had no reason to doubt had been promptly obeyed.

In my note to you of the 11th instant I stated it to be my impression that no hindrance to their repossession by the owners of the vessels named existed.

This impression, it now appears, was not well founded, and as my object is to give you the fullest information within my power in relation to all transactions touched in our correspondence, I hasten to communicate the latest report made to me from the Department of Justice.

I take leave also to express my regret that any misconception of the intentions and orders of the President should have delayed their prompt execution.

I have, &c.
(Signed) T. F. BAYARD.

No. 70.

*Colonial Office to Foreign Office.—(Received October 18.)*Sir, *Downing Street, October 17, 1887.*

I AM directed by Secretary Sir H. Holland to transmit to you, to be laid before the Marquis of Salisbury, copy of a despatch from the Governor-General of Canada, dated the 26th September, with its inclosures, respecting the seizure in Behring's Sea of the British schooner "Alfred Adams."

These papers appear to Sir H. Holland to point to a serious state of things, which seem to make it necessary that some decided action in the matter should be taken by Her Majesty's Government. And he would suggest, for the consideration of Lord Salisbury, whether it would not be desirable to instruct Sir L. West, unless he has already done so, formally to protest against the right assumed by the United States of seizing vessels for catching seals beyond the territorial waters of Alaska.

I am to add Sir H. Holland makes this suggestion, as Mr. Bayard is reported in the newspapers to have stated that no protest against their right to seize had been made, and to have assumed, therefore, that Her Majesty's Government did not really dispute it.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 70.

*The Marquis of Lansdowne to Sir H. Holland.*Sir, *Citadel, Quebec, September 26, 1887.*

IN continuation of my despatch of the 27th August and in reference to previous correspondence, I have the honour to inclose herewith a copy of an approved Minute of the Privy Council of Canada, covering copies of a Report of my Minister of Marine and Fisheries relating to the seizure and detention of the Canadian sealing schooner "Alfred Adams," and of other Canadian sealing vessels by the United States' authorities in the Behring's Sea.

2. The letter directed to the United States' District Attorney at Sitka, marked D in the Minister's Report, which came into the possession of my Government under the circumstances described in the Declaration of Captain Dyer, of the "Alfred Adams,"

has been forwarded, together with copies of the papers, to Her Majesty's Minister at Washington.

3. The circumstances under which the "Adams" was seized do not differ materially from those attending previous seizures in the same waters. I have already said before you the reasons which have led my Government to protest against the assumption that the Statutes under which other seizures, and I presume this also, have been made, Statutes governing the conduct of persons fishing within "the territory of Alaska" or "in the waters thereof" (*vide* United States' Revised Statutes, 1955, 1956), are applicable to the whole of the waters of the Behring's Sea, and in cases where, as in those under discussion, the vessels seized were found fishing at a great distance from the nearest land.

4. I trust that the earnest attention of Her Majesty's Government will be given to the statements contained in the Minister's Report. No satisfactory explanation has yet been given of the action of the United States' Government subsequent to Mr. Bayard's announcement of the 3rd February of the present year, when it was stated by him to Her Majesty's Minister at Washington that "orders had been issued by the President's direction for the discontinuance of all pending proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith."

5. You will observe from Mr. Foster's recapitulation of the evidence which he has been able to collect, and the documents attached to his Report, that an impression prevails upon the spot to the effect that orders such as those described by Sir Lionel West were actually issued from Washington. There appears at all events to be some reason for believing that a telegram authorizing the release of the vessels then under detention was in fact received by the District Judge, and that instructions were thereupon issued by him for the purpose of carrying out these orders. The circumstances under which those instructions are said to have been subsequently rescinded by the District Judge have not unnaturally given rise to the gravest suspicion.

6. The Minister has called attention with great force in his Report to the injury sustained by persons engaged in the sealing industry from the suspense and uncertainty in which they have been kept during the past season owing to the refusal of the United States' Government to give any explicit assurances as to the treatment which they might expect at its hands.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 70.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 21st September, 1887.

THE Committee of the Privy Council have had under consideration the annexed Report of the Minister of Marine and Fisheries with reference to the seizure and detention of Canadian sealing-vessels by the United States' authorities in Behring's Sea.

The Committee concur in the said Report, and they advise that your Excellency be moved to transmit a copy of this Minute and the annexed papers to the Right Honourable the Secretary of State for the Colonies.

All which is submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council, Canada.

Inclosure 3 in No. 70.

Report of the Minister of Marine and Fisheries.

WITH reference to previous correspondence concerning the seizure and detention of Canadian sealing-vessels by the United States' authorities in Behring's Sea, the Minister of Marine and Fisheries begs to submit, for the consideration of his Excellency the Governor-General in Council, the following papers:—

(a.) A letter from Collector Hamley, of Victoria, British Columbia, dated the 1st September, 1887, inclosing certain papers in reference to the seizure of the Canadian sealing-schooner "Alfred Adams" in Behring's Sea.

(b.) The Declaration of William Henry Dyer, of Victoria, British Columbia, master of the Canadian schooner "Alfred Adams."

(c.) A certificate of seizures of the "Alfred Adams," signed by L. G. Shepard, captain of the United States' Revenue steamer "Rush."

(d.) A sealed and unopened letter directed to the United States' District Attorney and United States' Marshal, Sitka, Alaska.

(e.) A letter from Collector Hamley, of Victoria, British Columbia, dated the 26th July, relating to the detention of the Canadian schooners "Onward," "Carolina," and "Thornton," seized in August 1886, by the United States' cutter "Corwin," in Behring's Sea.

(f.) Copy of a telegram and order purporting to be from the United States' Attorney-General and Judge Dawson respectively, relating to the release of the above-named vessels; and

(g.) A letter dated the 3rd September, 1887, from the law firm of Drake, Jackson, and Helmcken, of Victoria, containing additional information relating to the same.

From the above-mentioned papers, it appears that on the 6th August, 1887, the Canadian schooner "Alfred Adams," whilst engaged in catching seals in the open sea, more than 50 miles distant from the nearest land, was forcibly seized by an armed vessel of the United States, her ship's papers taken, her cargo of seal-skins, 1,386 in number, together with all her arms, ammunition, and fishing implements transferred to the United States' cutter, and her captain ordered to proceed with sealed orders to Sitka, and to deliver himself, his vessel, and men into the hands of the United States' Marshal at that place.

This treatment of the "Alfred Adams" whilst peaceably pursuing her lawful calling on the high seas is but a repetition of the unjustifiable seizures of Canadian vessels made by the United States' authorities in Behring's Sea, and which have been dealt with at length in previous Reports to Council.

The Minister, therefore, does not consider it necessary in this instance to traverse the ground already so fully covered, and recommends that a copy of this Report with the papers attached be forwarded to Her Majesty's Government for their earnest and immediate consideration, and that a copy thereof be sent to the British Minister at Washington, together with the sealed letter given by Captain Shepard to the master of the "Adams," with the request that it be forwarded to Mr. Secretary Bayard.

With reference to the attached papers (e), (f), and (g), the Minister observes that from the first (e) it appears that inquiries made by the Collector of Customs at Victoria, British Columbia, in July last, resulted in his obtaining the information that Judge Dawson had up to that date received no orders for the release of the Canadian sealing-vessels seized in 1886, that the vessels had not been sold, and remained still under seizure, and that Judge Dawson, when questioned as to the report that a telegram had been sent to him by the Attorney-General of the United States, ordering the release of the vessels, had replied that he had heard of this report before, but that nothing of the kind had reached either himself or the United States' Marshal at Sitka.

The paper marked (f) purports to be a copy of a telegram, dated the 26th January, 1887, from the United States' Attorney-General Garland to Judge Dawson, ordering him to release the vessels seized in August preceding, and of an order founded thereon from Judge Dawson to the United States' Marshal at Sitka, bearing date the 19th February, 1887, directing him to "release the 'Carolina,' 'Onward,' 'Thornton,' and 'San Diego,' together with all their tackle, apparel, skins, guns, ammunition, small boats, and everything pertaining to said vessels."

The third paper, marked (g), is a copy of a letter from the law firm of Drake, Jackson, and Helmcken, of Victoria, British Columbia, to the Minister of Justice, informing him that they are advised that a telegram was received by Judge Dawson from the United States' Attorney-General, ordering the release of the vessels above referred to; that Judge Dawson did issue an order accordingly, but that he afterwards rescinded the order on the assumption that the telegram was a forgery, and that since "no official letters of any sort, either confirming the telegram or respecting the affair, has been received at Sitka."

The Minister observes that, if the information conveyed in the above-mentioned

papers is correct, of which there appears no reasonable doubt, it reveals a state of affairs by no means satisfactory.

On the 3rd February, 1887, Mr. Secretary Bayard informed the British Minister at Washington that "orders have been issued by the President's direction for the discontinuance of all pending proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith."

A telegram in accordance with Mr. Bayard's communication appears to have been sent to Alaska, and an order based thereon to have been issued by the District Judge, but to have been afterwards rescinded, and no further action has been taken up to date of latest information.

Meanwhile, the vessels remain under seizure, the seal-skins are forfeited, and the property of Canadian citizens forcibly withheld from them under circumstances which involve very great loss and damage.

The Minister further observes that, with a view of guiding the action of Canadian citizens interested in sealing in the northern seas, repeated attempts were made previous to the commencement of the present season to obtain an official expression from the United States' Government of the policy they proposed to pursue in their treatment of foreign vessels sealing in Behring's Sea, but that these efforts proved altogether unavailing. From Mr. Bayard's communication of the 3rd February, 1887, above referred to, the fair inference, however, was to be drawn that, until the question in dispute between the two Governments as to the legality of the previous seizures had been finally disposed of, no further seizures would be made; and there is no doubt that on the strength of this communication, and in the absence of any explicit statement of policy to the contrary, Canadian citizens did, in the beginning of the present season, embark upon their customary sealing expeditions to Behring's Sea, under the reasonable impression that they would not be interfered with by the United States' authorities so long as they conducted their operations in the open sea, only, however, to find their vessels seized, their property confiscated, and their ventures completely ruined.

It is respectfully submitted that this condition of affairs is in the highest degree detrimental to the interests of Canada, and should not be permitted to continue. For nearly two years Canadian vessels have been exposed to arbitrary seizure and confiscation in the pursuit of a lawful occupation upon the high seas, and Canadian citizens subjected to imprisonment and serious financial loss; while an important and remunerative Canadian industry has been threatened with absolute ruin. This course of action has been pursued by the United States' officers in opposition to the contention in the past of their Government in regard to the waters in which these seizures have taken place, in violation of the plainest dictates of international law, and in the face of repeated and vigorous protests of both the Canadian and British Governments.

The Minister advises that Her Majesty's Government be again asked to give its serious and immediate attention to the repeated remonstrances of the Canadian Government against the unwarrantable action of the United States in respect to Canadian vessels in Behring's Sea, with a view to obtain a speedy recognition of its just rights, and full reparation for the losses sustained by its citizens.

The whole respectfully submitted.

(Signed)

GEORGE E. FOSTER,

Minister of Marine and Fisheries.

Department of Fisheries, Ottawa, September 15, 1887.

Inclosure 4 in No. 70.

Mr. Hamley to the Minister of Marine and Fisheries.

Dear Sir,

Custom-house, Victoria, British Columbia, July 26, 1887.

CAPTAIN CARROLL, master of the American steamer "Olympian," has been taking parties of excursionists to Sitka, and I asked him to see the Judge, Mr. Dawson, and find out something we could trust respecting the seized vessels. Dawson told him he had received no orders whatever for the release of the vessels; they have not been sold, and remain as they were, under seizure. Captain Carroll told Dawson of the telegram dated last January, purporting to have been sent by Mr. Garland, Attorney-General at Washington, in the President's name, ordering the vessels to be released. Dawson said he had heard of it before, and that it must have

been as he termed it, a "put up thing," as nothing of the kind had reached either himself or the United States' Marshal at Sitka.

The serious part is that our people, trusting to the story of the order for release, have sent thirteen vessels again this year to the sealing grounds. One has been seized already, and if the others fall in the way of the Revenue cutters they will probably be seized also.

I may perhaps learn something more from the Admiral when he returns from Alaska, and, if so, I will write to you again.

Yours, &c.
(Signed) W. HAMLEY.

Inclosure 5 in No. 70.

The Attorney-General, Washington, to Judge Lafayette Dawson and M. D. Ball.

(Telegraphic.)

Washington, District of Columbia, January 26, 1887.

I AM directed by the President to instruct you to discontinue any further proceedings in the matter of the seizure of the British vessels "Carolina," "Onward," and "Thornton," and discharge all vessels now held under such seizure, and release all persons that may be under arrest in connection therewith.

Inclosure 6 in No. 70.

Mr. Dawson to Mr. Atkins.

To Barton Atkins, United States' Marshal for the District of Alaska,

YOU are hereby directed to release the vessels "Carolina," "Onward," "Thornton," and "San Diego," which were seized in Behring's Sea for violation of section 1956, United States' Statutes, together with their tackle, apparel, skins,* guns, ammunition, small boats, and everything pertaining to said vessels, this 19th day of February, 1887.

(Signed) LAFAYETTE DAWSON, *District Judge,*
District of Alaska.

Inclosure 7 in No. 70.

Mr. Hamley to the Minister of Marine and Fisheries.

Sir,

Custom-house, Victoria, September 1, 1887.

ON the 7th August the master of the United States' Revenue cutter "Rush" seized in Behring's Sea, 60 miles from any land, the Canadian schooner "Alfred Adams," her register, clearance, guns, and ammunition, and the seal-skins she had taken (1,386) were all taken from her, and the vessel herself ordered to Sitka. No one from the Revenue cutter was put on board by Captain Shepard, and the master of the "Alfred Adams," instead of going, as he was desired, to Sitka, returned to Victoria, arriving here the 31st August.

I forward the master's depositions before a notary public, and what Captain Shepard is pleased to term a certificate of the schooner's seizure, signed by himself. Mr. Drake, a solicitor, is at Sitka, waiting for the cases to be heard in Court. The trial was delayed for the arrival of the "Rush," and she was expected about the beginning of this month. Mr. Drake will no doubt report direct to the Minister of Justice.

I have, &c.
(Signed) W. HAMLEY.

P.S.—I inclose also a sealed letter addressed by Captain Shepard to the District Attorney and United States' Marshal at Sitka, which the master of the "Alfred Adams" brought down with him, and which you can deal with in any way you think fit.

W. H.

* Please note skins.—C. A. M.

Inclosure 8 in No. 70.

*Captain Shepard to the District Attorney and United States' Marshal at Sitka.**United States' Revenue steamer "Rush," Behring's Sea,**August 6, 1887.*

To whom it may concern,

THIS will certify that I have this day seized the British schooner "Alfred Adams," of Victoria, British Columbia, Captain W. H. Dyer, master, for violation of law, and have taken charge of his ship's papers, viz., register, shipping articles, clearance, bill of health, and log book; also her arms and seal-skins.

Very respectfully,

(Signed)

L. G. SHEPARD, Captain,

United States' Revenue Marine.

Inclosure 9 in No. 70.

Declaration.

In the Matter of the seizure of the Sealing-schooner "Alfred Adams" by the United States' Revenue cutter "Richard Rush."

I, WILLIAM HENRY DYER, of Victoria, British Columbia, master mariner, do solemnly and sincerely declare that—

1. I am the master of the schooner "Alfred Adams," of the port of Victoria, British Columbia, engaged in the business of catching seals. On the 6th August, 1887, while on board the said schooner, and in command of the same, being in latitude $54^{\circ} 48'$ north and longitude $167^{\circ} 49'$ west the United States' Revenue cutter "Richard Rush" steamed alongside, lowered a boat commanded by the First Lieutenant and boat's crew. The said Lieutenant came on board the said "Alfred Adams" and ordered me to take the ship's register, log-book, articles, and all others of the ship's papers on board the "Richard Rush." In obedience to his command, I took all said papers and accompanied the said Lieutenant on board the "Richard Rush." When I arrived on board the "Rush," the Captain of the "Rush" asked me what was my business in the Behring's Sea; I replied taking seals. He inquired how many skins I had; I replied 1,386. He then said he would seize the ship, take the skins, arms, ammunition, and spears. I stated I did not think the ship was liable to seizure, as we had never taken a seal within 60 miles of Ounalaska, nor nearer St. Paul's than 60 miles south of it, and that we had never been notified that the waters were prohibited, unless landing and taking them from the Island of St. Paul's. He stated he must obey the orders of his Government, and that our Government and his must settle the matter, and ordered me to proceed on board the said schooner and deliver up my arms, ammunition, and skins and spears. He sent two boats belonging to the "Rush" in charge of the First and Second Lieutenant of the "Rush" respectively, and manned with sailors from the "Rush," who came on board the said schooner (I returning in company with the First Lieutenant). They took from the said schooner 1,386 skins, 4 kegs powder (3 triple F and 1 blasting powder), 500 shells, 3 cases caps and primers, 9 breach-loading double-barrelled shot-guns, 1 Winchester rifle, all in good order, and 12 Indian spears, and he then gave me a sealed letter addressed to the United States' Marshal and United States' District Attorney at Sitka; he also gave me an acknowledgment of the goods taken, and also gave me a certificate that the said schooner was under seizure, and, after being alongside for about $3\frac{1}{2}$ hours, I received orders in writing to proceed to Sitka, and report to the United States' District Attorney and Marshal: we then parted company. My crew consisted of myself, mate, 2 seamen, 1 Chinese cook, and 21 Indians. Previous to the said seizure we had spoken the schooner "Kate," of Victoria, and had been informed by the mate of that vessel that the crews (and particularly the Indians) taken to Sitka on schooners previously seized had been very badly treated. The Indians became very mutinous on learning that we were to proceed to Sitka and report to the United States' authorities; they declared they would not go to Sitka and, to avoid trouble, I came to Victoria, instead of going to Sitka. I arrived in Victoria on the 31st August, 1887, at about 7 P.M.

And I make this solemn Declaration, conscientiously believing the same to be true, and by virtue of the Oaths Ordinance, 1869.

(Signed) W. H. DYER.

Declared before me this 1st day of September, A.D. 1887, at Victoria, British Columbia.

(Signed) H. DALLAS HELMCKEN.
A Notary Public in and for the Province
of British Columbia.

(L.S.)

Inclosure 10 in No. 70.

Messrs. Drake, Jackson, and Helmcken to the Minister of Justice, Ottawa.

Sir,

Victoria, British Columbia, September 3, 1887.

WE have the honour to inform you that we are in receipt of a letter from our Mr. Drake, written from Sitka, under date the 28th August, in which he states that a telegram was received at Sitka relative to the schooners seized last year from the United States' Attorney-General Garland, directing their release and discharge of the men. The Judge gave an Order accordingly, which was afterwards rescinded, on the assumption that the telegram was a forgery. No official letter of any sort, either confirming the telegram or respecting the affair, has been received at Sitka. The schooners now seized and at Sitka are the "Anna Beck," "W. P. Sayward," "Dolphin," and "Grace." The "Alfred Adams" was also seized. The trial of the present men, Mr. Drake states, would not take place until after the arrival of the Revenue cutter "Rush;" also that, judging from the past and the views held by the Court, the result would most probably be the same, and urges that immediate steps should be taken to prevent the imprisonment of the masters, and that he would obtain declarations from the masters duly certified, and enter a protest at the trial.

The "Rush" was not expected at Sitka until yesterday.

Regarding the seizure of the "Alfred Adams," we have to state that the schooner has arrived here safely. The declarations of her captain, Captain Dyer, and his men have been duly taken, which her owners, Messrs. Guttman and Frank, of this city, yesterday handed to Honourable Mr. Stanley, Collector of Customs, together with a sealed letter, which the commander of the "Rush" handed to Captain Dyer, to be delivered to the District Attorney at Sitka. These papers no doubt Mr. Stanley has already forwarded to the proper Department.

We have since forwarded a copy of this information to the Right Honourable Sir John A. Macdonald, K.C.B., &c.

We have, &c.

(Signed) DRAKE, JACKSON, AND HELMCKEN.

Inclosure 11 in No. 70.

Mr. Burbidge to the Deputy Minister of Fisheries, Ottawa.

Sir,

Department of Justice, Ottawa, September 12, 1887.

I HAVE the honour to inclose, for your information, a copy of a letter which has been received by the Minister of Justice from Messrs. Drake, Jackson, and Helmcken, in which they report with reference to the sealing vessels which have been seized in the Behring's Sea by the United States' authorities.

I am to state that the Minister of Justice has taken no action with respect to this communication, but that he is of opinion that the Minister of Marine and Fisheries should, at his earliest convenience, take steps to communicate the substance thereof to the Colonial Office and to the British Minister at Washington.

I have, &c.

(Signed) GEO. W. BURBIDGE,
Deputy Minister of Justice.

No. 71.

The Marquis of Salisbury to Sir L. West.—(Substance telegraphed.)

Sir,

Foreign Office, October 19, 1887.

INFORMATION has reached Her Majesty's Government from the Government of Canada that a further seizure has been made of a Canadian vessel, the "Alfred Adams," by the United States' Revenue-cutter "Rush," when engaged in seal-fishing in Behring's Sea in latitude 54° 48' north, and longitude 167° 49' west, more than 50 miles distant from the nearest land.

I have to request that you will forthwith address a protest to the Government of the United States against this seizure, and against the continuance of similar proceedings on the high seas by the authorities of the United States.

I am, &c.

(Signed) SALISBURY.

No. 72.

Foreign Office to Colonial Office.

Sir,

Foreign Office, October 20, 1887.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 17th instant inclosing copies of a correspondence received from the Governor-General of Canada relative to the seizures by the authorities of the United States of certain British vessels when engaged in seal-fishing in Behring's Sea.

With reference to the latest case reported, that of the Canadian schooner "Alfred Adams," I am to request that you will inform Sir H. Holland that a telegram has been sent to Her Majesty's Minister at Washington directing him to make a protest to the United States Government against the seizure of that vessel, and the continuance on the high seas of similar proceedings by the authorities of the United States.

With regard to the report that it had been stated by Mr. Bayard that no protest had been made against the right of those authorities to make the seizures, and that it had been therefore assumed that Her Majesty's Government did not really dispute the right, I am to remind you that Sir L. West, acting on the instructions which were given to him by the late Earl of Iddesleigh on the 20th October, 1886, addressed a note to the United States' Secretary of State protesting, in the name of Her Majesty's Government, against the seizure of the three Columbian schooners "Thornton," "Onward," and "Carolina" by the United States' Revenue-cruizer "Corwin."

I am further to point out that the directions given to Sir L. West in regard to subsequent seizures of other British vessels in Behring's Sea during the present fishing season, which were embodied in Lord Salisbury's despatches of the 10th and 27th ultimo, amount to a protest against the assumption by the United States' Government of their right to seize British vessels on the high seas in those waters.

I am to request that in laying this letter before Sir H. Holland you will move him to ascertain by telegraph whether the Report of Mr. Foster (the Canadian Minister of Marine and Fisheries) of the 15th ultimo has been communicated by Lord Lansdowne, with the papers attached, to Her Majesty's Minister at Washington, as suggested in the Report. On learning that this has been done Lord Salisbury proposes to authorize Sir L. West to give a copy of them to Mr. Bayard.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 73.

Sir L. West to the Marquis of Salisbury.—(Received October 24.)

My Lord,

Washington, October 12, 1887.

IN accordance with the instructions contained in your Lordship's telegram of the 27th ultimo, I addressed a note to the Secretary of State, copy of which I had the honour to inclose to your Lordship in my despatch of the 28th ultimo, inquiring the reason why the vessels referred to in his note of the 3rd February last had not been released, and I now inclose copy of the reply which I have received thereto.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 73.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, October 11, 1887.

I HAVE the honour to acknowledge your note of the 28th ultimo, stating that Her Majesty's Government had been officially informed that the British vessels referred to in my note to you of the 3rd February last had not been released, and asking the reason for the delay in complying with the orders of the Executive in that regard.

Upon receiving your note I at once wrote my colleague the Attorney-General, as the Head of the Department of Justice, in order that I might be enabled to reply satisfactorily to your inquiry. I am still without an answer from him, which, when received, shall be promptly communicated to you.

In the meantime, in acknowledging your note, I take occasion to state my impression—that if the three vessels seized, and ordered to be released, have not been repossessed by their owners, it is not because of any hindrance on the part of any official of this Government, or failure to obey the order for release, but probably because of the remoteness of the locality (Sitka) where they were taken after arrest for adjudication, and the proceedings having been *in rem*, the owners have not seen proper to proceed to Alaska and repossess themselves of the property in question.

I have, &c.

(Signed) T. F. BAYARD.

No. 74.

Sir L. West to the Marquis of Salisbury.—(Received October 24.)

My Lord,

Washington, October 12, 1887.

WITH reference to your Lordship's despatch of the 15th ultimo, respecting the judicial proceedings in the cases of the schooners "Carolina," "Onward," and "Thornton," I have the honour to state that, from what I can ascertain, the notice of appeal in these cases is still lying in the Sitka Court, for there is no Court to which under the Act of Congress the injured parties could appeal, and as in the case of the American vessel "San Diego," no further steps can be taken in the matter.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 75.

Sir L. West to the Marquis of Salisbury.—(Received October 24.)

My Lord,

Washington, October 12, 1887.

IN accordance with the instructions contained in your Lordship's despatch of the 27th ultimo, I addressed a note to the Secretary of State, copy of which I have the honour to inclose herewith, making similar representations respecting the seizure of the British vessels "Grace," "Dolphin," and "W. P. Sayward," as were made in the cases of the "Onward," "Carolina," and "Thornton," and reserving all rights to compensation on behalf of the owners and crew.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 75.

Sir L. West to Mr. Bayard.

Sir,

Washington, October 12, 1887.

IN connection with the representation which I was instructed to make to you respecting the seizure of the British schooners "Onward," "Carolina," and "Thornton," by the United States' cruiser "Corwin," in Behring's Sea, I have the honour to inform

you that I am now further instructed to make similar representations in the cases of the British Columbian vessels "Grace," "Dolphin," and "W. P. Sayward," seized lately by the United States' Revenue cutter "Richard Rush," and at the same time, as in the case of the "Onward," "Carolina," and "Thornton," to reserve all rights to compensation on behalf of the owners and crews.

I am also instructed to point out to you that, according to the deposition of the mate of the "W. P. Sayward," copy of which is inclosed, no seals had been taken by her crew in Behring's Sea as is alleged in the libels of information filed on behalf of the United States' District Attorney in the District Court of Alaska.

I am, &c.

(Signed) L. S. SACKVILLE WEST.

No. 76.

Sir L. West to the Marquis of Salisbury.—(Received October 24.)

My Lord,

Washington, October 14, 1887.

I HAVE the honour to inclose to your Lordship herewith copy of the reply which I have received to my note of the 12th instant, copy of which was inclosed in my despatch of the 12th instant, respecting the seizure of the "Grace," "Dolphin," and "W. P. Sayward."

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 76.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, October 13, 1887.

I HAVE the honour to acknowledge your note of yesterday in relation to the cases of the seizure of the British schooners "Onward," "Carolina," and "Thornton," in Behring's Sea, by United States' Revenue vessels in August 1886, and also your instructions to include by similar representations the cases of the British Columbian vessels "Grace," "Dolphin," and "W. P. Sayward," seized by the United States' Revenue authorities in Behring's Sea, with notification that Her Britannic Majesty's Government reserve all right to compensation on behalf of the owners and crews of the above-mentioned vessels.

The affidavit of the mate of the "W. P. Sayward" has been read, and the facts therein stated will be at once investigated.

I have, &c.

(Signed) THOMAS F. BAYARD.

No. 77.

Sir L. West to the Marquis of Salisbury.—(Received October 24.)

My Lord,

Washington, October 14, 1887.

I HAVE the honour to inclose to your Lordship herewith copies of the brief recently filed in the Court at Sitka by the counsel for the United States' Government which has appeared in the "New York Herald," as well as an article thereupon from that Journal.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 77.

Extract from the "New York Herald," October 18, 1887.

Ottawa, Ontario, October 12, 1887.

THE Government here are in receipt of advices from Sitka which contain the brief which is understood to have been prepared at Washington and recently filed in

the Court at Sitka by Mr. A. K. Delaney, as counsel for the United States' Government.

The following is a *verbatim* copy of the brief:—

“ Case.

“ The information in this case is based on Section 1956 of Chapter 3 of the Revised Statutes of the United States, which provides that ‘ No person shall kill any otter, mink, martin, sable or fur seal, or other fur-bearing animal within the limits of Alaska Territory or in the waters thereof.’

“ The offence is charged to have been committed 130 miles north of the Island of Ounalaska, and therefore in the main waters of that part of the Behring's Sea ceded by Russia to the United States by the Treaty of 1867. The defendants demur to the information on the ground—

“ 1. That the Court has no jurisdiction over the defendants, the alleged offence having been committed beyond the limit of a marine league from the shores of Alaska.

“ 2. That the Act under which the defendants were arrested is unconstitutional in so far as it restricts the free navigation of the Behring's Sea for fishing and sealing purposes beyond the limits of a marine league from shore. The issue thus raised by the demurrer presents squarely the questions:—

“ (1.) The jurisdiction of the United States over Behring's Sea.

“ (2.) The power of Congress to legislate concerning those waters.

“ The Argument.

“ The fate of the second of these propositions depends largely upon that of the first, for if the jurisdiction and dominion of the United States as to these waters be not sustained the restrictive Acts of Congress must fall, and if our jurisdiction shall be sustained small question can be made as to the power of Congress to regulate fishing and sealing within our own waters. The grave question, one important to all the nations of the civilized world, as well as to the United States and Great Britain, is ‘ the dominion of Behring's Sea.’

“ The Three Mile Limit.

“ Concerning the doctrine of international law establishing what is known as the marine league belt, which extends the jurisdiction of a nation into adjacent seas for the distance of 1 marine league, or 3 miles from its shores, and following all the indentations and sinuosities of its coast, there is at this day no room for discussion. It must be accepted as the settled law of nations. It is sustained by the highest authorities, law-writers, and jurists. It has been sanctioned by the United States since the foundation of the Government. It was affirmed by Mr. Jefferson, Secretary of State, as early as 1793, and has been reaffirmed by his successors—Mr. Pickering, in 1796; Mr. Madison, in 1807; Mr. Webster, in 1842; Mr. Buchanan, in 1849; Mr. Seward, in 1862, 1863, and 1864; Mr. Fish, in 1875; Mr. Evarts, in 1879 and 1881; and Mr. Bayard, in 1886. (Wheaton's ‘ International Law,’ vol. i, sec. 32, pp. 100 and 109.)

“ Sanctioned thus by an unbroken line of precedents covering the first century of our national existence, the United States would not abandon this doctrine if they could; they could not if they would.

“ Landlocked Seas.

“ Well grounded as is this doctrine of the law of nations, it is no more firmly established as a part of the international code than that other principle which gives to a nation supremacy, jurisdiction, dominion over its own inland waters, gulfs, bays, and seas. If a sea is entirely inclosed by the territories of a nation, and has no other communication with the ocean than by a channel, of which that nation may take possession, it appears that such a sea is no less capable of being occupied and becoming property than the land, and it ought to follow the fate of the country that surrounds it. The Mediterranean in former times was absolutely inclosed within the territories of the Romans, and that people, by rendering themselves masters of the strait which joins it to the ocean might subject the Mediterranean to their Empire, and assume the dominion over it. They did not by such proceeding injure the rights of other nations, a particular sea being manifestly designed by nature for the use of the

countries and nations that surround it. (Vattel's 'Law of Nations,' pp. 129 and 130.)

"Chancellor Kent, in 1826, before the doctrine as to the marine league limit was as firmly established as it now is, says:—

"'It is difficult to draw any precise or determined conclusion amid the variety of opinions as to the distance a State may lawfully extend its exclusive dominion over the seas adjoining its territories and beyond those portions of the sea which are embraced by harbours, gulfs, bays, and estuaries, and over which its jurisdiction unquestionably extends.' (Kent, vol. i, p. 28.)

"Jurisdiction of States.

"It thus appears that, while in 1826 the limit of the marine belt was unsettled, the jurisdiction of a State over its inland waters was unquestioned.

"'In the laws of nations bays are regarded as a part of the territory of the country when their dimensions and configurations are such as to show that the nation occupying the coast also occupies the bay as a part of its territory.' (Manning's 'Law of Nations,' p. 120.)

"'An inland sea or lake belongs to the State in which it is territorially situated. As illustrations, may be mentioned the inland lakes whose entire body is within the United States, and the Sea of Azof.' (Wheaton's 'International Law,' vol. i, sec. 31.)

"'Rivers and inland lakes and seas, when contained in a particular State, are subject to the Sovereign of such State.' (Idem, vol. iii, sec. 300.)

"'Undoubtedly it is upon this principle of international law that our right to dominion over such vast inland waters as the great lakes, Boston Harbour, Long Island Sound, Delaware and Chesapeake Bays, Albemarle Sound, and the Bay of San Francisco rests. This country, in 1793, considered the whole of Delaware Bay to be within our territorial jurisdiction, and it rested its claim upon these authorities, which admit that gulfs, channels, and arms of the sea belong to the people within whose land they are encompassed.' (Kent's Com., vol. i, p. 528.)

"The Doctrine always asserted.

"It thus appears that our Government asserted this doctrine in its infancy. It was announced by Mr. Jefferson as Secretary of State and by the Attorney-General in 1793. Mr. Pickering, Secretary of State in 1796, reaffirms it, in his letter to the Governor of Virginia, in the following language: 'Our jurisdiction has been fixed to extend 3 geographical miles from our shores, with the exception of any waters or bays which are so landlocked as to be unquestionably within the jurisdiction of the States, be their extent what they may.' (Wheaton's 'International Law,' vol. i, sec. 32, pp. 2-100.)

"Mr. Buchanan, Secretary of State, to Mr. Jordan, in 1849, reiterates this rule in the following language: 'The exclusive jurisdiction of a nation extends to the ports, harbours, bays, mouths of rivers, and adjacent parts of the sea inclosed by headlands.' (Idem, p. 101.)

"Mr. Seward, in the Senate in 1852, substantially enunciates the same doctrine by declaring that, if we relied alone upon the old rule that only those bays whose entrance from headland to headland do not exceed 6 miles are within the territorial jurisdiction of the adjoining nation, our dominion to all the larger and more important arms of the sea on both our Atlantic and Pacific coasts would have to be surrendered. Our right to jurisdiction over these rests with the rule of international law which gives a nation jurisdiction over waters embraced within its land dominion.

"Behring's Sea Inland Water.

"It thus appears that from our earliest history, contemporaneously with our acceptance of the principle of the marine league belt and supported by the same high authorities is the assertion of the doctrine of our right to dominion over our inland waters under the Treaty of 1867, and on this rule of international law we base our claim to jurisdiction and dominion over the waters of the Behring's Sea. While it is, no doubt, true that a nation cannot by Treaty acquire dominion in contravention of the law of nations, it is none the less true that, whatever title or dominion our grantor, Russia, possessed under the law of nations at the time of the Treaty of Cession in 1867,

passed and now rightfully belongs to the United States. Having determined the law, we are next led to inquire as to whether Behring's Sea is an inland water or a part of the open ocean, and what was Russia's jurisdiction over it.

"Behring's Sea is an inland water. Beginning on the eastern coast of Asia, this body of water, formerly known as the Sea of Kamchatka, is bounded by the Peninsula of Kamchatka and Eastern Siberia to the Behring's Strait. From the American side of this strait the waters of the Behring's Sea wash the coast of the mainland of Alaska as far south as the Peninsula of Alaska. From the extremity of this peninsula, in a long, sweeping curve, the Aleutian Islands stretch in a continuous chain almost to the shores of Kamchatka, thus encasing the sea.

"Russia's Title and Dominion.

"It will not be denied that at the time the United States acquired the Territory of Alaska by the Treaty of 1867, the waters of the Behring's Sea washed only the shores of Russian territory. The territory on the Asiatic side she had possessed 'since the memory of man runneth not to the contrary.' Her title to the other portions of those shores and her dominion over the waters of the Behring's Sea are based on 'discovery and settlement.'

"Possession and Supremacy.

"The right of a nation to acquire new territory by discovery and possession has been so universally recognized by the law of nations that a citation of authorities is scarcely necessary. Upon this subject the most eminent as well as the most conservative of authorities says: 'All mankind have an equal right to things that have not yet fallen into the possession of any one, and those things belong to the person who first takes possession of them. When, therefore, a nation finds a country uninhabited and without an owner, it may lawfully take possession of it, and after it has sufficiently made known its will in this respect it cannot be deprived of it by another nation.'

"Thus navigators going on voyages of discovery, furnished with a commission from their Sovereign, meeting islands or other lands in a desert state, have taken possession of them in the name of their nation, and this title has been usually respected, provided it was soon followed by a real possession.' 'When a nation takes possession of a country to which no prior owner can lay claim, it is considered as acquiring the empire or sovereignty of it at the same time with the domain.' 'The whole space over which a nation extends its government becomes the seat of its jurisdiction and is called its territory.' (Vattel, p. 98.)

"Such being the law, we are led to inquire as to on what discoveries, possessions, and occupation Russia's right to dominion in North America is based.

"Historical Sketch—1725-1867.

"In 1725, under the commission of that wondrous combination of iron and energy, Peter the Great, an expedition was organized, crossed the continent from St. Petersburg to Kamchatka, where a vessel was constructed, and in July 1728 sailed for explorations to the north and east. That vessel was the 'Gabriel.' Her master was Vitus Behring, a name destined to historical immortality. On the expedition Behring crossed the waters of the Sea of Kamchatka, discovered and named the Island St. Lawrence midway between which and the Asiatic mainland our boundary-line is laid down by the Treaty, and after passing through the straits which bear his name returned to St. Petersburg.

"In 1733 a second expedition was organized under the auspices of the Government and the commission of Queen Anne, and with Behring, raised to the rank of Admiral, at its head, repeated the long and dreary journey across Siberia, and in June 1741 sailed for new discoveries. In July of that year Behring sighted the American continent, some authorities claim at the 58th degree of north latitude, others at the 50th degree. The latter is probably correct, as it rests on the authority of Stellar, who accompanied the expedition, and Behring undoubtedly sailed as far south along the American coast as the 45th parallel, in accordance with his instructions. But what is more pertinent to this inquiry, he discovered several of the Aleutian Islands and the Komanderoff group or couplet. On the larger of this couplet, which bears his name, the hardy navigator, after shipwreck, died on the 19th December, 1741.

"Russian Discovery.

"But the spirit of Russian discovery survived him, and from the starting point he began traders, hunters, and adventurers made their way from island to island until the whole Aleutian chain, and with it the mainland, was discovered. In 1743, 1745, 1747, and 1749 a Cossack sergeant named Bossof made four consecutive voyages from the mainland of Kamchatka to the Behring and Copper Islands in vessels of his own construction. In 1745 a sailor named Nevidchinof, who had served under Behring, crossed the channel which connects the North Pacific Ocean with the Behring's Sea and discovered the Islands of Attoo and Agatoo, the former of which now marks the western limit of our land dominion. In 1744 a small Russian merchant-vessel reached the Island of Atka and some of the smaller islands surrounding it.

"Ten years later Glottoff, in a ship belonging to an Okotsk merchant, advanced as far as the Island of Ounak, and subsequently discovered Ounalaska and the whole of that group of the Aleutian chain known as the Fox Islands. He made a Map of his explorations, which includes eight islands east of Ounalaska. In 1760 a Russian merchant, Adreian Tolstyky, landed on the Island of Adak, explored it and some of the surrounding islands, and made a report of his discoveries to the Russian Crown. This group was named after him, the Adreian Islands. The next year a ship belonging to a Russian merchant named Bechevin made the coast of the Aliriska Peninsula, and in the autumn of 1762 Glottoff, who discovered Ounalaska and the Fox Group, reached the Island of Kodiak. In 1768 two captains of the Imperial Navy, Krenitzen and Levashoff, sailed from Kamchatka in two Government vessels, and the former passed the succeeding winter at Kodiak, and the latter at Ounalaska.

"Twenty-five years succeeding the death of Behring the spirit of discovery had planted the Russian ensign along the entire Aleutian chain, from Behring's Island to the mainland of the North American continent.

"After the Seals.

"Possession and occupation followed the footsteps of discovery, and settlements and trading posts were established at the more favourable points along the line. Expeditions, stimulated by the large remunerations of the fur traffic, were constantly fitted out at the ports along the shores of the Sea of Okotsk and the mouth of the Amoor River for voyages of trade and exploration in the new country. Lieutenant Elliot, in his Report on the seal islands, published with the Tenth Census of the United States, estimates that no fewer than twenty-five different Companies, with quite a fleet of small vessels, were thus employed as early as 1772. Under the auspices of one of these Companies, Shekeloff, a merchant of Rylsk, founded the first permanent Settlement on the Island of Kodiak in 1784. From this point exploring expeditions were sent out, one of which crossed the strait between Kodiak and the mainland which bears Shekeloff's name, and explored the coast of the mainland as far as Cook's Inlet, upon the shores of which in 1786 a Settlement was established.

"Another pushed along the coast to Prince William Sound and Cape St. Elias, the latter of which was located by Behring in 1741. In 1788 another of Shekeloff's ships visited Prince William Sound, discovered Yakutat Bay, and made a thorough exploration of Cook's Inlet. In the meantime, in 1786, Gehrman Pribylov, a Muscovite ship's mate, sailed from Ounalaska in a small sloop called the "St. George," discovered the islands which bear his name, located in the heart of the Behring's Sea, and now far famed as the only seal rookeries in the known world.

"Baranoff's Mission

"In 1790 the Shekeloff Company placed at the head of all enterprises in the new country that restless spirit whose energies clinched Russia's dominion to her possessions in North America, Alexander Baranoff. Arriving at Kodiak, he changed the head-quarters of the Company to the harbour of St. Paul, where the village of that name now stands, and the next year one of his skippers passed round the extremity of the Alaska Peninsula and along the north-western coast to Bristol Bay, discovering Kvichak River and the Lake Llamna, and crossed the portage to the mouth of Cook's Inlet, thus finding the safest and quickest means of communication between Shekeloff Strait and the Behring's Sea.

"In 1794 Baranoff established a ship-yard at Resurrection Bay, on Prince William Sound. About this time the first missionaries of the Greek Church arrived, and

Missions were established at Kodiak, Ounalaska, and Spruce Island. The next year Baranoff extended his operations and trading posts to Yakutat Bay. Following this was the consolidation of all Russian interests in North America, giving rise to the Russian-American Company, which was chartered the year that Baranoff founded Sitka, 1799. The possessions and supremacy Russia gained under this Corporation have been so universally acknowledged and widely understood as to scarcely need comment. Under this Company, chartered by the Crown, patronized by nobility, sustained by the sinews of consolidated capital, and led by the tireless energy of Baranoff, new explorations and Settlements inevitably followed.

"As early as 1806, aside from trading posts and Settlements along the Aleutian Islands, we find the Russian-American Company had established fourteen fortified stations from Kodiak to the Alexander Archipelago, now known as South-eastern Alaska—one at Three Saints Harbour, one at St. Paul Island, one on the Island of Kodiak, one off Afognak Island, one at the entrance of Cook's Inlet, three on the coast of the inlet, two on Prince William Sound, one at Cape St. Elias, two on Yakutat Bay, and one at New Archangel, on the Bay of Sitka.

"Along the Coast.

"After the death of Baranoff, in 1819, his successor in charge of the affairs of the Company, Lieutenant Yanovsky, made extensive explorations of the coast and mainland above the Alaska Peninsula. One expedition explored and made a preliminary survey of the coast from Bristol Bay as far as the mouth of the Kuskovim River, discovering and locating that stream and also the Island of Nunivak, on parallel 60th degree, in Behring's Sea. Another passed beyond the mouth of the Yukon to Norton's Sound, and another entered the Nushegak River just above Bristol Bay, pushed into the interior, and crossed the mountains and tundras into the valley of the Kuskovim. Following these, in 1824 and 1826, were the explorations and surveys of Ethloin and Luedke, further north on the coast of the mainland.

"In 1824 that eminent divine of the Greek Church, Bishop Veniamanoff, visited the coast between Bristol Bay and the Kuskovim, establishing Missions, chapels, and churches. Previous to this time, in 1815, Lieutenant Kotzebue, under the patronage of Count Rumiantzo, had discovered and surveyed Kotzebue Sound and the Arctic coast of America as far as Cape Lisburne. Lieutenant Tebenkof, of the navy, in 1835 established Missions and redoubts at St. Michael's, on the Norton Sound, and in 1838 an expedition fitted out by him located Point Barrow. Meanwhile, expeditions had penetrated into the interior. Glazunof ascended the Yukon as far as Nulato, and made the first portage between that river and the Kuskovim in 1836, while Malakof reached the same point from the redoubt established by Veniamanoff on the Nushegak, by way of that river and the Kuskovim.

"They were followed by Lieutenant Zagoskin, of the Imperial Navy, who in 1842-43 with five assistants made extensive explorations of basins of the Yukon and Kuskovim, a voluminous journal of which is now in print.

"Unbroken Possession.

"This brings us to the close of the first century of Russian discoveries and occupation in North America. It is needless to follow further, as the twenty-five years intervening between 1842 and the date of the Treaty of the United States are but a continuation and repetition of Russian occupation and supremacy of this territory. That possession was never changed or broken until it passed to the United States under the Treaty of 1867. The archives of Russia will further show that the Imperial Government itself not only fostered these discoveries, but from the earliest period has asserted and exercised dominion over the North American possessions.

"The discoveries of Behring in 1728-41 were under Royal Commission. In 1766 Tolstyk, after his discovery of the Adreian group of the Aleutian chain, was granted special privileges in the new possessions by an Edict of Catherine II. The expedition of Kreutzen, of the Imperial Navy, to Ounimak Island in 1758 was under commission of the same Sovereign. Upon the Report of the Committee of Commerce and the recommendation of the Governor-General of Siberia in 1768, Shelikof was granted a credit from the Public Treasury of 200,000 roubles to carry forward his enterprises in North America. By a Ukase of Catherine II in 1793 Missions of the Greek Church were established in the new dominion, and a Colony was also founded at Kodiak under Royal Edict.

“The Russian-American Company.”

“The Charter of the Russian-American Company issued in 1799 declares Russia’s dominion in the following language: ‘By the right of discovery in past times by Russian navigators of the north-western part of America, beginning from the 55th degree of north latitude and the chain of island extending from Kamchatka to America and southward to Japan, graciously permit the Company to have the use of all hunting grounds and establishments now existing on the north-western coast of America, from the above-mentioned 55th degree to Behring’s Strait, and on the same on the Aleutian Kurile Islands situated on the north-eastern ocean.’

“In conclusion, the Charter enjoins: ‘All military and civil authorities in the above-mentioned localities not only not to prevent the Company from enjoying to the fullest extent the privileges granted, but in case of need to protect them with all their power from loss or injury, and render them, upon application of the Company, all aid, assistance, and protection.’

“This assertion of dominion by Russia was reiterated in 1820, when, by an Imperial Ukase, Alexander I granted the second Charter to the Russian-American Company, renewing its privileges for twenty years, and was again asserted in 1844 by the granting of the third Charter, which not only increased the privileges of the Company, but also provided a system of colonial government for the Russian-American colonies for the twenty succeeding years.

“Russian Ordinance of 1821.”

“All these assertions of jurisdiction and dominion passed unchallenged, but in 1821 the Imperial Government had issued an Ordinance regulating traffic in its Asiatic and American possessions, and reserved exclusively to subjects of the Russian Empire ‘the transaction of commerce, the pursuit of whaling and fishing, or any other industry, on the islands in the harbours and inlets, and in general along the north-western coast of America, from Behring’s Strait to the 51st parallel of north latitude and in the Aleutian Islands, and along the coast of Siberia and on the Kurile Islands, from Behring’s Strait to the south-eastern promontory of the Island of Urup—viz., as far south as latitude 45° and 50° north.’

“This Ordinance called forth the protests of the United States and Great Britain, and protracted discussions followed. A critical examination of the diplomatic correspondence between the United States and Great Britain on one side and Russia upon the other will disclose that the points in dispute in the controversy were the assertion of Russia to exclusive jurisdiction over the Pacific Ocean, the assertion of dominion over the coast of North America from the 55th parallel south to the 51st (See note of Mr. Adams, American Minister to Russia, to the Russian Minister, March 1822.)

“Following these discussions came the Treaty of 1824 between Russia and the United States, and the analogous Treaty of 1825 between Russia and Great Britain. By these Treaties, Russia receded from her assertion of exclusive jurisdiction over the Pacific Ocean, and abandoned her claim to possessions on the coast of North America, south of 54° 40’.

“The Treaty.”

“The following are the Articles of the Treaty between the United States and Russia germane to the questions involved in the case:—

“‘ARTICLE I.

“‘It is agreed that in any part of the great ocean commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects of the High Contracting Powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts upon points which may not already have been occupied for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following Articles.

“‘ARTICLE II.

“‘With a view of preventing the rights of navigation and of fishing exercised upon the great ocean by the citizens and subjects of the High Contracting Powers from becoming the pretext of an illicit trade, it is agreed that the citizens of the

United States shall not resort to any point where there is a Russian establishment without the permission of the Governor or Commander, and that reciprocally the subjects of Russia shall not resort without permission to any establishment of the United States upon the north-west coast.

“ARTICLE III.

“It is, moreover, agreed that hereafter there shall not be formed by the citizens of the United States, or under authority of the said States, any establishment upon the north-west coast of America, nor in any of the islands adjacent to the north of $54^{\circ} 40'$ north latitude, and that in the same manner there shall be none formed by the Russian subjects, or under the authority of Russia, south of the same parallel.

“ARTICLE IV.

“It is, nevertheless, understood that during a term of ten years, counting from the signatures of the present Convention, the ships of both Powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbours, and creeks upon the coast mentioned in the preceding Article, for the purpose of fishing and trading with the natives of the country.’ (Wheaton’s ‘International Law,’ vol. i, pp. 2-112.)

“The Treaty between Russia and Great Britain contains substantially the same provisions. Neither in the Treaties nor in the correspondence is any reference made to Russia’s claim of dominion over the Behring’s Sea. If in the diplomatic correspondence leading up to the Treaty any challenge as to the jurisdiction of Behring’s Sea had been made, why was it not settled by the Treaties? Did the High Contracting Powers to these Treaties enter into a discussion lasting nearly two years as to one matter and make adjustment by Treaty as to other matters?

“The Convention between Russia and Great Britain, aside from disposing of the question of Russia’s asserted sovereignty over the Pacific Ocean and fixing the southern limit of her possession on the western coast of North America, also established the dividing line of their respective North American possessions from $54^{\circ} 40'$ north to the frozen ocean, which boundary-line is incorporated *verbatim* into the Treaty of Cession of 1867 from Russia to the United States. (Treaty of 1867, Article I.)

“If differences existed as to the dominion of the Behring’s Sea, why were they not also settled, as that manifestly would be a part of the object of holding the Convention?

“Russia’s Jurisdiction.

“It cannot be successfully maintained that by such terms as the ‘Great Ocean,’ the ‘Pacific Ocean,’ or the ‘South Sea,’ the High Contracting Powers referred to the Behring’s Sea. Aside from this, it is stipulated in both Treaties that the ships, citizens, and subjects of either Power may reciprocally frequent the interior seas, gulfs, harbours, and creeks of the other on the North American coast for a period of ten years. The only interior sea on the North American coast was the Behring’s Sea held by Russia. If that was a part of the ‘Pacific Ocean,’ or the ‘Great Ocean,’ or the ‘South Sea,’ or belonged to the high seas under the law of nations, why the term ‘interior sea,’ and why should the United States and Great Britain accept a ten years’ limit of the right of navigation, fishing, and trading in an interior sea if they had the unconditional right to frequent those waters under the law of nations?

“This section of the Treaty, therefore, really concedes Russia’s dominion over Behring’s Sea. Chancellor Kent alludes to this subject as the ‘claim of Russia to sovereignty over the Pacific Ocean north of the 51st degree of latitude.’ (Kent, vol. i, p. 28.)

“A summary of results following the discussions and Conventions as to the Royal Ordinance of 1821 is the abandonment by Russia of her claim to sovereignty over the Pacific Ocean; a surrender of her claim to the North American coast south of $54^{\circ} 40'$; a settlement by Russia and Great Britain as to the boundary-line of their possessions in North America; agreements as to settlements upon each other’s territory and navigation of each other’s waters, but no surrender of Russia’s jurisdiction over the Behring’s Sea.

"Powers of Congress.

"Upon this branch of the subject, the power of Congress over Behring's Sea, there seems to be little room for discussion. The power of a nation to control its own dominions is one of the inherent elements of sovereignty.

"When a nation takes possession of certain parts of the sea, it takes possession of the empire over them as well as of the domain, on the same principles which are advanced in treating of the land. These parts of the sea are within the jurisdiction of the nation and a part of its territory; the Sovereign commands them; he makes laws and may punish those who violate them; in a word, he has the same rights there as on the land, and in general, every right which the laws of the State allow him.' (Vattel's 'Law of Nations,' p. 130.)

"By the Treaty of 1867, 'the cession of territory and dominion therein made is declared to be free and unencumbered by any reservations, privileges, franchises, grants, or possessions, . . . and conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion and the appurtenances thereto.' (Treaty, Article VI.)

"The Constitution of the United States declares that all Treaties made under the authority of the United States shall be the supreme law of the land. (Constitution of the United States, Article 6.)

"That same instrument vests in Congress 'the power to make all needful rules and regulations respecting the territory or other property belonging to the United States.' (Constitution of the United States, Article 4, section 3.)

"Manifestly, the Acts of Congress contained in chapter 3, Revised Statutes of the United States, 'relating to the unorganized Territory of Alaska,' and under which the information is brought, are embraced within these constitutional provisions.

"Conclusion.

"The foregoing record may contain but a meagre idea of the indomitable energy and perseverance displayed by the Russian people in acquiring empire in North America, beginning with discoveries of Behring in 1728, and extending for more than a century and a quarter, wherein they braved the perils of land and sea, overcame a savage native population, faced ice and snow, storm and shipwreck, to found and maintain empire on these rugged shores. Enough has been said to disclose the basis of Russia's right to jurisdiction of the Behring's Sea under the law of nations, viz., original possession of the Asiatic coast, followed by discovery and possession of the Aleutian chain and the shores of Alaska North, not only to Behring's Strait but to Point Barrow and the frozen ocean, thus inclosing within its territory, as within the embrace of a mighty giant, the islands and waters of Behring's Sea, and with this the assertion and exercise of dominion over land and sea.

"Such is our understanding of the law, such is the record. Upon them the United States are prepared to abide the Judgments of the Courts and the opinion of the civilized world.

Inclosure 2 in No. 77.

Extract from the "New York Herald," October 13, 1887.

THE ALASKAN SEAL FISHERIES.—The "Herald" lays before its readers this morning the grounds on which the United States claims exclusive jurisdiction over the seal fisheries of Behring's Sea, as set forth in the brief of the counsel for this country in the case against certain British vessels charged with violating our rights.

The plea in defence is that the United States has no dominion over the waters of Behring's Sea beyond a marine league, or 3 miles, from the Alaskan shore. But this view cannot be sustained. As is shown by numerous authorities cited in Counsellor Delaney's brief, it is a recognized principle of international law, and one which this country has always asserted, that a nation has jurisdiction not only over waters within the marine league, but all waters, whatever their extent, embraced within its land dominion. Gulfs, bays, and arms of the sea belong to the country within whose land they are encompassed.

Now Behring's Sea is not a part of the open or high sea. It is, as Mr. Delaney clearly shows, "an inland water cut off from the ocean and essentially land-locked." Before the purchase of Alaska by the United States in 1867 it was within the exclusive

jurisdiction of Russia. By that purchase it passed into the exclusive jurisdiction of the United States, which succeeded to the title of Russia.

No. 78.

The Marquis of Salisbury to Sir L. West.

Sir, *Foreign Office, October 26, 1887.*

WITH reference to my despatch of the 19th instant, requesting you to protest to the United States' Government against the seizure of the British sealing schooner "Alfred Adams" in Behring's Sea, I have to instruct you to give the United States' Secretary of State a copy of the Report, and inclosures, which was drawn up by Mr. Foster, the Canadian Minister of Marine and Fisheries, on the 15th ultimo.

I understand that this document has been communicated to you by the Governor-General of Canada, and a copy was inclosed in the letter from the Colonial Office of the 17th instant.

I am, &c.
(Signed) SALISBURY.

No. 79.

The Marquis of Salisbury to Sir L. West.

Sir, *Foreign Office, October 29, 1887.*

I HAVE received your despatch of the 14th instant, inclosing a note from Mr. Bayard, in which he expresses regret that the orders of the President of the United States for the release of the vessels "Carolina," "Onward," and "Thornton" should have been delayed through misconception, and states that renewed orders have been forwarded for their liberation.

I approve your action in having forwarded a copy of this note to the Governor General of Canada.

I am, &c.
(Signed) SALISBURY.

No. 80.

Sir L. West to the Marquis of Salisbury.—(Received October 31.)

My Lord, *Washington, October 20, 1887.*

I HAVE the honour to inclose to your Lordship herewith copy of a note which, upon the receipt of your Lordship's telegram of the 19th, I addressed to the Secretary of State protesting against the seizure of the Canadian vessel "Alfred Adams" in Behring's Sea, and against the continuation of similar proceedings by the United States' authorities on the high seas.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 80.

Sir L. West to Mr. Bayard.

Sir, *Washington, October 19, 1887.*

I HAVE the honour to inform you that I am instructed by the Marquis of Salisbury, Her Majesty's Principal Secretary of State for Foreign Affairs, to protest against the seizure of the Canadian vessel "Alfred Adams" in Behring's Sea, and against the continuation of similar proceedings by the United States' authorities on the high seas.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 81.

Sir L. West to the Marquis of Salisbury.—(Received November 14.)

My Lord,

Washington, October 23, 1887.

WITH reference to my despatch of the 20th instant, in which I had the honour to inclose copy of the note which, according to instructions, I addressed to the United States' Government on the subject of the seizure of the "Alfred Adams" in Behring's Sea, I have the honour to transmit herewith copy of Mr. Bayard's reply, in which he acknowledges the receipt of my above-mentioned communication.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 81.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, October 22, 1887.

I HAD the honour to receive last evening your note of the 19th instant, conveying the instructions addressed to you by the Marquis of Salisbury, that you should protest against the seizure of the Canadian vessel "Alfred Adams" in Behring's Sea, and against the continuance of similar proceedings by the United States' authorities on the high seas, and I have, &c.

(Signed) T. F. BAYARD.

No. 82.

Colonial Office to Foreign Office.—(Received November 21.)

Sir,

Downing Street, November 19, 1887.

WITH reference to previous correspondence, I am directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, forwarding a Minute of the Executive Council of British Columbia respecting the value to that province of the sealing industry on Behring's Sea.

I am to ask what answer should be returned to Lord Lansdowne, and to suggest that copies of these papers should be forwarded to Her Majesty's Minister at Washington.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 82.

The Marquis of Lansdowne to Sir H. Holland.

Sir,

Government House, Ottawa, October 20, 1887.

I HAVE the honour to transmit to you a copy of an approved Report of a Committee of the Privy Council, to which is appended a copy of a despatch from his Honour the Lieutenant-Governor of British Columbia, covering a Minute of his Executive Council setting forth the value to British Columbia of the present sealing industry in Behring's Sea.

You will observe that the Executive Council of British Columbia consider that the rights of British subjects, as regards the Behring's Sea, should be included in the scope of the duties of the International Fisheries Commission.

I have, &c.

(Signed) LANSDOWNE.

Inclosure 2 in No. 82.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 15th October, 1887.

THE Committee of the Privy Council have had under consideration a despatch, dated 15th September, 1887, from the Lieutenant-Governor of British Columbia, covering a Minute of his Executive Council setting forth the value to British Columbia of the present sealing industry in Behring's Sea, together with the opinion of the Executive that the rights of British subjects should have the same protection and consideration on the Pacific as on the Atlantic, and that these rights as regards the Behring's Sea should be included in the scope of the duties of the International Commission in process of organization.

The Minister of Marine and Fisheries, to whom the despatch and inclosures were referred, recommends that a copy of the despatch referred to, with its inclosures, be transmitted to Her Majesty's Government.

The Committee advise that your Excellency be moved to transmit a copy of the papers herein mentioned to the Right Honourable the Secretary of State for the Colonies, for the information of Her Majesty's Government.

All which is respectfully submitted.

(Signed)

JOHN J. MCGEE, Clerk,
Privy Council for Canada.

Inclosure 3 in No. 82.

Lieutenant-Governor Nelson to the Secretary of State, Ottawa.

Sir,

Harrison Hot Springs, British Columbia, September 15, 1887.

I HAVE the honour to transmit herewith a copy of a Minute of my Executive Council, approved by me on the 9th instant, representing the value to the Province of British Columbia of the present sealing industry in Behring's Sea, the number of vessels, men, &c., engaged in the same, the loss to the province certain to ensue from the destruction of this trade by the seizures and confiscations made by the United States' cruizers.

That the rights of British subjects should have the same protection and consideration on the Pacific as on the Atlantic, and that full compensation and redress for injuries already received, and assurances of future non-interference, should be obtained from the United States' Government.

That this question should be included in the scope of the duties of the International Fishery Commission now understood to be in process of organization, and that it is desirable said Commission should hold some of its sittings in Victoria, for reasons therein set forth, &c.

I have, &c.

(Signed) HUGH NELSON.

Inclosure 4 in No. 82.

PROVINCE OF BRITISH COLUMBIA.

Report of a Committee of the Honourable the Executive Council, approved by his Honour the Lieutenant-Governor on the 9th September, 1887.

ON a Memorandum from the Honourable the Minister of Finance and Agriculture, dated the 6th September, 1887, setting forth—

That there are usually engaged in seal-fishing in Behring's Sea seventeen vessels wholly owned by people residing in this city, of the aggregate value of 125,000 dollars;

That the outfit for each semi-annual voyage of these vessels represents an expenditure of 75,000 dollars, equal to 150,000 dollars a-year;

That each of these vessels, on an average, employs a crew of five whites and about twenty Indians, or fifteen to eighteen whites as hunters;

That the probable aggregate value of the product of each voyage is 200,000 dollars, or 400,000 dollars a-year ;

That this industry, though as yet only in its infancy, is a very important one for so small a community ;

That the glaring and unlawful seizures and confiscations in Behring's Sea during last season and the present year are completely crushing out this infant industry, and causing ruin, and, in several known instances, actual distress, to those who have invested their all in the business and relied upon it for a livelihood ;

That the destruction of this industry not only entails ruin and distress upon those directly engaged therein, but it affects most injuriously the trade of the province, and drives from these waters a race of hardy and adventurous fishermen, who, with their families, are large consumers, and who would in time become a very important element of strength, if not the nucleus of the future navy of Canada on the Pacific.

That the rights and interests of British subjects, whether in fisheries or commerce, are entitled to the same consideration and protection on the Pacific as on the Atlantic, and that it is therefore the duty of the Dominion Government to employ every proper means for obtaining immediate and full compensation and redress for past injuries and wrongs, as well as to guard against the possibility of a repetition of these high-handed outrages in the future ;

That it is believed to be desirable that this question should be included in the scope of the duties of the International Commission now understood to be in process of organization for the settlement of the fishery disputes existing between Canada and the United States of America ; and it is considered most important that the said Commission should hold one or more of its sittings in this city, in order that those more directly acquainted with and interested in the Pacific fisheries may have a better opportunity of being heard and making the Commissioners more thoroughly acquainted with the subject than would otherwise be possible :

The Committee advise approval, and that a copy of this Minute be forwarded to the Honourable the Secretary of State for Canada [*sic*].

Certified,

(Signed) JNO. ROBSON, *Clerk, Executive Council.*

No. 83.

The Marquis of Salisbury to the British Plenipotentiaries at the Fisheries Conference. —
(*Substance telegraphed.*)

Gentlemen,

Foreign Office, November 28, 1887.

I RECEIVED on the 26th instant a telegram from Mr. Chamberlain, inquiring whether a proposal for an International Conference in regard to the Behring's Sea fisheries had been accepted by Her Majesty's Government.

You are aware, from the correspondence which is in your possession, that communications with reference to a proposal which would appear to have been addressed to some of the Maritime Powers by the United States for an International Convention for the protection of seals in the Behring's Sea, were received last October from the German and Swedish Chargés d'Affaires in London.

No definite invitation, however, for an international understanding on this question has yet been received from the Government of the United States by Her Majesty's Government.

In answer to a question from Mr. Phelps, I have expressed myself as being favourably disposed to negotiating for an agreement as to a close season in all seal fisheries, to whomsoever belonging, but I carefully separated the question from all controversies as to fishery rights.

I am, &c.

(Signed) SALISBURY.

No. 84.

The Marquis of Salisbury to the British Commissioners to the Fisheries Conference.

Gentlemen,

Foreign Office, November 29, 1887.

I TRANSMIT herewith, for your information, a copy of a letter from the Colonial Office,* and its inclosures, calling attention to the value to British Columbia of the present sealing industry in Behring's Sea.

The Executive Council of the Colony express a desire that this question should be included in the scope of the duties of the Fisheries Conference now sitting at Washington.

A copy of the reply which has been returned to the Colonial Office is also inclosed herewith.†

I am, &c.
(Signed) SALISBURY.

No. 85.

Foreign Office to Colonial Office.

Sir,

Foreign Office, November 29, 1887.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 19th instant, with its inclosures, showing the value to British Columbia of the present sealing industry in Behring's Sea.

His Lordship notes the opinion expressed in the Minute of the Executive Council of the Colony that this question should be included in the scope of the duties of the Fisheries Conference now sitting at Washington.

I am now to request that, in laying this letter before Secretary Sir H. Holland, you will state to him that copies of Lord Lansdowne's despatch of the 20th ultimo, and of its inclosures, will be forwarded to the British Plenipotentiaries at the Conference.

I am also to call attention to the instructions in regard to this subject contained in Lord Salisbury's despatch of the 24th ultimo to the British Plenipotentiaries.‡

It was then stated that "the question of the seal fisheries in the Behring's Sea . . . has not been specifically included in the terms of reference; but you will understand that if the United States' Plenipotentiaries should be authorized to discuss that subject, it would come within the terms of the reference, and that you have full power and authority to treat for a settlement of the points involved in any manner which you may deem advisable, whether by a direct discussion at the present Conference or by a reference to a subsequent Conference to adjust that particular question."

Lord Salisbury would suggest, for Sir H. Holland's consideration, that the substance of these instructions should be communicated to the Governor-General of Canada.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 86.

Mr. J. Chamberlain, M.P., to the Marquis of Salisbury.—(Received December 12.)

My Lord,

Washington, November 28, 1887.

I HAVE received your Lordship's telegram of this day's date, in reply to mine of the 25th instant.

In explanation of the circumstances which led me to address to your Lordship the inquiry contained in my telegram, I should state that Mr. Angell, one of the United States' Plenipotentiaries at the Fishery Conference, stated to me, in the course of a private and confidential conversation, that an invitation had been conveyed to your Lordship, on behalf of the United States, to take part in an International Conference for the protection

• No. 82.

† No. 85.

‡ See "United States No. 1 (1888)."

of the seal fisheries in the Behring's Sea, and that your Lordship had cordially accepted this invitation.

I may add that the question of the seal fishery in the Behring's Sea has not yet arisen for discussion at the sittings of the Conference.

I have, &c.
(Signed) J. CHAMBERLAIN.

No. 87.

Colonial Office to Foreign Office.—(Received December 26.)

Sir, *Downing Street, December 26, 1887.*

I AM directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, forwarding revised claims made by the owners of the "Thornton" and "Carolina" for losses sustained on account of the seizure of these vessels by a United States' Revenue vessel in Behring's Sea.

The revised claim of the owners of the "Onward," the other vessel seized in 1886, has not yet been received, but Lord Salisbury will know whether it will be advisable to wait for it before putting forward the "Thornton" and "Carolina" claims.

I am to request that the inclosures in Lord Landowne's despatch, which are sent in original, may be returned when done with.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 87.

The Marquis of Lansdowne to Sir H. Holland.

Sir, *Government House, Ottawa, December 2, 1887.*

WITH reference to your despatch of the 14th September last on the subject of the seizure of British sealing-vessels in Behring's Sea by United States' Revenue cruisers, and directing attention to the magnitude of the claims for compensation preferred by the owners against the United States' Government, I have the honour to forward herewith a copy of an approved Report of a Committee of the Privy Council, submitting a revised Statement of the losses sustained in the cases of the "Thornton" and "Carolina." My Minister of Marine and Fisheries considers that the claims now made are not unreasonable.

You will observe that whereas the amount at first claimed in respect of the seizure of these two vessels was 102,223 dollars, the amount now claimed is 71,130 dol. 66 c.

In the case of the "Onward," the third vessel seized, the claim has not yet been returned by the owners.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 87.

Certified Copy of a Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 29th November, 1887.

THE Committee of the Privy Council have had under consideration a despatch, dated the 14th September, 1887, from the Right Honourable the Secretary of State for the Colonies, on the subject of the seizure of British sealing-vessels in Behring's Sea by United States' Revenue cruisers, and directing attention to certain claims for compensation against the United States' Government.

The Minister of Marine and Fisheries, to whom the despatch and inclosures were referred, stated that the claims (three in number) referred to in this despatch were

sent back to the owners of the vessels for revision. In the cases of two of these, the "Thornton" and "Carolina," a full and detailed revised Statement of the losses is submitted herewith. These, the Minister submits, are not unreasonable; the claim for the "Onward," the third vessel seized, has not yet been returned by the owners.

The Committee recommend that your Excellency be moved to forward the claims herein mentioned to the Right Honourable the Secretary of State for the Colonies, for transmission to the United States' Government.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council, Canada.

Inclosure 3 in No. 87.

Declaration of James Douglas Warren.

City of Ottawa, Province of Ontario, Dominion of Canada.

I, JAMES DOUGLAS WARREN, of the city of Victoria, in the Province of British Columbia, of the Dominion of Canada, mariner and ship-owner, solemnly and sincerely declare as follows:—

1. That I am the duly authorized agent of William Munsle, of the city of Victoria aforesaid, the owner of the hereinafter mentioned schooner "Carolina."

2. That the said schooner "Carolina" is a British vessel, registered at the port of Victoria aforesaid, of about tons burden, builders' measurement, and that in A.D. 1884 the "Carolina" was rebuilt and lengthened about 15 feet by a section built amidships, and put in first-class order and condition. In A.D. 1885 the said "Carolina" was valued for insurance by the Union Insurance Company at 4,000 dollars, and in A.D. 1886 the California Insurance Company placed the same value, namely, 4,000 dollars, upon her for a like purpose. I am informed by the said William Munsle, and believe that since the rebuilding and enlargement of the "Carolina," she has not been re-registered at the port of Victoria aforesaid nor at any other port, and that consequently her actual tonnage is greater than appears by the official record, or the register of the said "Carolina."

3. That on or about the 20th day of May, A.D. 1886, the said "Carolina" left the port of Victoria aforesaid, after having been duly cleared at Customs, one James Ogilvie being master, and one James Blake mate, and a crew of nine sailors and hunters, on a fishing and hunting voyage in the North Pacific Ocean and Behring's Sea.

4. That on the 1st day of August, in said year 1886, while in said Behring's Sea in north latitude 55° 50', west longitude 168° 53', then being from 65 to 75 miles from the nearest land, and while, as I am informed and verily believe, lawfully pursuing the objects of said voyage, the said schooner "Carolina" was seized by the United States' steam-ship "Corwin," and taken to Ounalaska, in the Territory of Alaska, of the United States of America, and her voyage broken up.

5. That on arrival at Ounalaska aforesaid the "Carolina" was, by order of the United States' authorities, stripped of her outfit and running-gear, the seal-skins on board taken out, the captain, James Ogilvie, and the mate, James Blake, placed under arrest and sent to Sitka, in said Territory of Alaska, and the crew sent to the city of San Francisco.

6. That upon arrival at Sitka the captain and the mate of the "Carolina" were formally charged with having violated the laws of the United States of America respecting seal-fishing in the waters of Alaska, but before the day fixed for the hearing and trial of said charge Captain Ogilvie disappeared, and was afterwards found dead in or about the neighbourhood of Sitka. The mate, James Blake, was tried, found guilty, and sentenced to pay a fine of 300 dollars and be imprisoned at Sitka for thirty days, and which imprisonment he, James Blake, suffered.

7. That hereto annexed, marked (A), is a Statement of the articles comprising the outfit of the schooner "Carolina" on her departure on said voyage, and all of which I verily believe were on board the "Carolina" at the time of her seizure, excepting only what had been consumed in the ordinary course of the voyage, together with the value of said articles, also of the amount of premiums paid for insurance on the hull, outfit, and cargo of the said "Carolina" for the said voyage; also of the amount of wages paid to the crew and hunters on board the "Carolina" up to the time of such seizure; also of the expenses of the mate and part of the crew in returning to the

city of Victoria from Ounalaska and Sitka, and also a statement of the number of seal-skins on board the "Carolina" at the time of said seizure, and the value thereof.

8. The Exhibit (B) hereto annexed is a Statement of the catch of thirteen sealing-vessels in and about the Behring's Sea during so much of the season of A.D. 1886 as they were in Behring's Sea. The statement is taken from the Report of the Inspector of Fisheries for the Province of British Columbia for the year 1886, as contained in the Report of the Department of Fisheries for Canada at pages 248 and 249, and I verily say, from personal knowledge of the facts, that the said Statement is substantial, true, and correct. The schooners "Carolina," meaning the "Carolina" herein mentioned, and "Thornton" and "Onward," were seized on the 1st and 2nd August in 1886, and their voyages thus broken up; the schooners "Mary Taylor," "Mountain Chief," "Rustler," and "Kate" not having been in Behring's Sea during the season of 1886, the catch of these above-named schooners are not included in estimating the average catch in Behring's Sea for that year. On account of the seizures made on the 1st and 2nd August as aforesaid, and of the schooner "Favorite" being ordered out of the sea by the Commander of the said "Corwin," the thirteen vessels mentioned in Exhibit (B), with one or two exceptions, left Behring's Sea, or the best sealing-grounds therein, long before the close of the sealing season, and thus the average catch as found in Exhibit (B) is fully, as I verily believe, 500 skins less than it would have been had they all remained till the end of the season.

9. That hereto annexed, marked (C), is a Statement of the legal expenses incurred at Sitka and elsewhere by reason of the seizure of the "Carolina," and the arrest of her captain and mate as aforesaid, and also of the personal expenses connected therewith.

10. That hereto annexed, marked (D), is a Statement of the damages claimed by the owner of the "Carolina" by reason of her said seizure and detention during the years 1886, 1887, and 1888, based upon the average catch of seal-skins per vessel as found by Exhibit (B).

11. The price per skin charged in Exhibits (A) and (D), namely, 7 dollars, was the market price at Victoria aforesaid at the close of the season of 1886, and was the price which, in the ordinary course of events, would have been realized for said seal-skins had not such seizure taken place.

12. That hereto annexed, marked (E), is an estimate of the principal sums on which interest is claimed, from the 1st day of October, A.D. 1886, on or about which date the catch of the "Carolina" would have been realized on had she not been seized, and also for the actual outlay by her owner prior to that date, arising by reason of the seizure and detention of the "Carolina," the arrest of the captain and mate, and the expenses of the mate and crew in returning to Victoria from Ounalaska and Sitka.

13. That during the month of October, A.D. 1886, and ever since that time, the minimum rate of interest on money for commercial purposes at the city of Victoria aforesaid was and now is 7 per cent. per annum.

14. That hereto annexed, marked (F), is a Statement of the items of the outfit of the "Carolina" when on said voyage and the value thereof, which would have been wholly consumed in the ordinary prosecution of a full season's hunting and fishing voyage.

15. The prices charged for the articles and groups of articles in Exhibit (A), comprising the outfit of the "Carolina," are the market prices of the said articles and groups of articles at Victoria at the time of their purchase for the purposes of said voyage.

16. That as to the item, "Cash on board and unaccounted for, 500 dollars," charged in Exhibit (A), I am informed by the said William Munsle, and do verily believe, that the said sum of 500 dollars was placed on board the "Carolina" at the time of her departure from Victoria as aforesaid, intrusted to the master, James Ogilvie, for use in cases of emergency or unforeseen expenditures, and I verily believe that said sum of 500 dollars was on board the "Carolina" at the time of her seizure; but owing to the death of Captain Ogilvie at Sitka, it was not known by the said owner what became of the said sum of 500 dollars.

17. That at the time of the seizure of the "Carolina" she was in good order and condition, having been thoroughly overhauled before starting out on said voyage, and not having sustained any damage beyond ordinary wear and tear during said voyage up to the time of her seizure.

18. That the value placed on the "Carolina," namely, 4,000 dollars, is a fair and reasonable valuation of the said schooner, and from my personal knowledge of the "Carolina," and the value of vessels of her class at Victoria, I verily believe that she could not be replaced by a vessel in all respects as good and as well adapted to the purposes for which she was used for a less sum than 4,000 dollars.

19. That on or about the 13th day of July last past I was at Ounalaska aforesaid, and saw and was on board of the said schooner "Carolina." She was then lying anchored in the harbour at Ounalaska, stripped of all her outfit and running gear. Her standing rigging was much weather-beaten, her iron work much rusted, her deck seems in a bad state, and I verily believe, from the condition in which the "Carolina" then was, and in view of the fact that she must remain so exposed until least next May (A.D. 1888), it will cost at least 4,000 dollars to put her in as good repair and condition as when seized and return her to Victoria. To be taken to Victoria under ordinary circumstances would alone cost between 2,500 and 3,000 dollars.

20. That the "Carolina" at the time of her seizure was insured in the California Insurance Company for the sum of 2,500 dollars on her hull, and in the sum of 1,000 dollars on her outfit and cargo.

21. That the estimated loss of 5,000 dollars for each of the years 1887 and 1888 by reason of the seizure and detention of the "Carolina" as aforesaid is based upon an average catch of 2,380 seal-skins for each of the said years, at $5\frac{1}{2}$ dollars per skin, which was the market value per skin at Victoria at the close of the season of 1887, after deducting therefrom the cost of outfit and wages, based on the "Carolina's" voyage of A.D. 1886.

And I, James Douglas Warren, aforesaid, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Act respecting extra-judicial oaths.

Declared and affirmed before me at the city of Ottawa, in the county of Carleton, in the Province of Ontario, this 28th day of November, A.D. 1887, and certified under my official seal.

(Signed) W. D. HOGG, *Notary Public for Ontario.* (Signed) J. D. WARREN.

Exhibit (A).

	Dol. c.	Dol. c.
Value of the schooner "Carolina" at the time of seizure	4,000	00
Outfit—		
Groceries	598	60
Ammunition	173	34
Six short guns	300	00
Five rifles	130	00
Gun implements and tools	17	29
Dry goods	71	37
Ship chandlery	376	83
Water casks	12	00
Chronometer	160	00
Four canoes and outfit	248	50
One boat	100	00
Salt	81	00
Coal and wood for fuel	37	62
Cooking stove and utensils	79	00
Miscellaneous	42	34
Cash on board and unaccounted for	500	00
Two sextants	75	00
	3,002	89
Insurance premium and survey fee on 2,500 dollars on hull and 1,000 dollars on outfit and cargo	352	50
Wages paid to hunters and crews for voyage up to time of seizure	1,332	22
Part of crew having been sent to San Francisco by United States' authorities, board of five men at San Francisco and passage-money thence to Victoria	71	72
Passage-money and expenses of mate, James Blake, from Sitka to Victoria after release from prison	100	00
	2,003	94
686 seal-skins on board the "Carolina" when seized, and not returned, at 7 dollars per skin	4,802	00
Total Exhibit (A)	14,161	33

Exhibit (B).—NUMBER of seal-skins taken by each of the following thirteen sealing vessels during the year 1886 in and about the Behring's Sea, most of the said vessels leaving the sea before the end of the season fearing capture.

Vessels.						Number of Seal-skins.
Pathfinder	..	..	..	..	..	1,766
Mary Ellen	..	..	..	..	..	4,256
Theresa	..	..	..	..	..	2,625
Favourite	..	..	..	..	..	2,325
Black Diamond	..	..	..	..	..	1,760
Alfred Adams	..	..	..	..	..	2,465
Active	..	..	..	..	..	2,275
City of Santiago	..	..	..	..	..	1,620
Silvia Handy	..	..	..	..	..	1,587
Dolphin	..	..	..	..	..	2,601
Anna Beck	..	..	..	..	..	1,406
Grace	..	..	..	..	..	2,550
Sayward	..	..	..	..	..	2,725
Total catch						30,955
Average per vessel						2,381

Exhibit (C).

	Dol.	c.
Legal expenses at Sitka in connection with the seizure of the "Carolina" ..	500	00
Counsel and other legal fees and expenses in and about the seizure of the "Carolina," and the claims arising thereunder, exclusive of the above 500 dollars ..	750	00
Personal expenses other than the above in the same connection ..	250	00
Total ..	1,500	00

Exhibit (D).—ESTIMATED damages arising from the seizure and detention of the schooner "Carolina" based on the average catch per vessel as given in Exhibit (B), season 1886.

	No.	Dol.	c.
Average catch of seals ..	2,381		
Less on board at seizure, and charged in Exhibit (A) ..	689		
Balance at 7 dollars per skin ..	1,695	=	11,865 00
Reasonable and probable profit on operations for year 1887 ..	5,000		00
"Carolina" not being released and not available to engage in next year's operations, reasonable and probable profit for 1888 ..	5,000		00
			10,000 00
Total of Exhibit (D) ..			21,865 00

Exhibit (E).—ESTIMATE of the principal sums on which interest at 7 per cent. per annum is claimed, and the time for which interest is so claimed.

	Dol.	c.	Dol.	c.
Value of "Carolina's" estimated catch for 1886—namely, 2,381 skins, at 7 dollars per skin—from the 1st day of October, A.D. 1886, when the catch would have been realized on ..	16,667	00		
Actual cash outlay for legal and other necessary expenses incurred by reason of the said seizure ..	500	00		
Total principal on which interest is claimed from October, A.D. 1886, to date of payment of claim ..			17,167	00
Estimated value of the "Carolina" catch for 1887, less cost of outfit and wages of crew and hunters, on which interest at 7 per cent. is claimed from 1st October, A.D. 1887, on or about which date the catch would be realized on to date of payment ..			5,000	00
If the claim for 1887 be not allowed, then interest is claimed on the value of the "Carolina" from 1st October, 1886, to date of payment ..			4,000	00

Exhibit (F).—DETAILS of items of "Carolina's" outfit consumed during the course of a full hunting and sealing voyage.

	Dol.	c.
Groceries	598	60
Ammunition	173	34
Dry goods	71	37
Ship chandlery	376	83
Salt	81	00
Coal and wood	37	62
Miscellaneous	42	34
Wages of crew	1,832	22
Total value consumed.. .. .	3,213	32

Inclosure 4 in No. 87.

Declaration of James Douglas Warren.

City of Ottawa, Province of Ontario, Dominion of Canada.

I, JAMES DOUGLAS WARREN, of the city of Victoria, in the Province of British Columbia, of the Dominion of Canada, mariner and ship-owner, do solemnly and sincerely declare as follows:—

1. That I am a British subject by birth.

2. That I was sole owner of the British steam-schooner "Thornton," 78 tons burden by builders' measurement, registered at the port of Victoria aforesaid, before and at the time of her seizure hereinafter set out by the United States' steam-ship "Corwin."

3. That the said steam-schooner "Thornton" was rebuilt by me in A.D. 1887,* at a cost of 3,500 dollars, and in A.D. 1880 and A.D. 1881 was fitted up with steam propelling power at an additional cost of 3,000 dollars. Her bottom and sides of above light water-line were coppered and copper fastened.

4. That on or about the 16th day of May, 1886, the said steam-schooner "Thornton" was regularly cleared at the port of Victoria aforesaid for a full season of about four months' fishing and hunting in the North Pacific Ocean and Behring's Sea, and that on or about the 27th day of said month of May the "Thornton" finally sailed from Clayoquot Sound, on the south-west of Vancouver Island, on said fishing and hunting voyage.

5. The master of the "Thornton" on and for said voyage was one Hans Guttormsen, of the said city of Victoria, and the mate one Harry Norman, of the same place, and a crew of thirteen men.

6. That on the 1st day of August, A.D. 1886, while in Behring's Sea in north latitude 55° 45' and west longitude 168° 44', lawfully, as I verily believe, pursuing the objects of said voyage, the said steam-schooner "Thornton" was seized by the United States' steam-ship "Corwin," and by the "Corwin" taken to Ounalaska, in the United States' Territory of Alaska, and her voyage was broken up.

7. That on arrival at Ounalaska the said "Thornton" was, by order of the United States' authorities, stripped of her outfit and running gear, the seal-skins then on board taken out, the captain and mate made prisoners and sent to Sitka, in said Territory of Alaska, where, after trial, they were fined, the captain in the sum of 500 dollars and the mate in the sum of 300 dollars, and each imprisoned for thirty days.

The remainder of the crew, with only two excepted, were sent by the United States' authorities to the city of San Francisco by a steamer belonging to the Alaska Commercial Company.

8. That I am informed by Captain Guttormsen that immediately upon the arrival at Ounalaska of the "Corwin" with the "Thornton," he (the captain) entered his solemn protest against the seizure of his vessel and her outfit and the seal-skins then on board.

9. That on or about the 13th day of July of the present year I was at Ounalaska, and saw the said steam-schooner "Thornton," and found her in a very bad condition. She was lying on her bilge on a gravel beach, partially embedded, and exposed to all weathers, and was consequently greatly depreciated in value since her seizure. Her copper is much chafed, her deck seams are opened, through which water had leaked upon the steam-boiler, engine, and machinery, all of which are well nigh ruined. She cannot be brought away from Ounalaska without repairs involving

great expense, and not at all before next summer can this be done. I verily believe, from the inspection I then made, that it would cost over 6,000 dollars to take the "Thornton" from Ounalaska to Victoria aforesaid, the nearest port at which the repairs could be made, and put her in as good order and condition as she was in when seized.

10. That at the time of her seizure the "Thornton" was in good repair and condition and perfectly seaworthy, excepting only that her mainmast-head had been carried away during the voyage she then was on.

11. That for and during the said voyage the "Thornton" was insured by Lloyd's underwriters in the sum of 1,200*l.* on the hull and machinery, and in the sum of 1,000*l.* on the outfit and cargo.

12. That hereto annexed, marked (A), is a detailed Statement of the outfit of the "Thornton" for the voyage on which she was seized as above set out, and all of which, excepting only what had been consumed in the regular course of the voyage, was on board the "Thornton" at the time of her seizure; also of the amount of premiums paid by me for insurance upon the hull, machinery, outfit, and cargo of the "Thornton" during the said voyage, and also for wages paid by me to the hunters and crew of the said "Thornton" of said voyage for the time of said voyage up to the said seizure. Also, a Statement of the sums paid by me for passage money of the crew from San Francisco to Victoria, and passage money and expenses of the captain and mate at and from Sitka after their release to Victoria aforesaid.

13. That also in said Statement (A) are charged 403 seal-skins taken from the "Thornton" at the time of seizure, and which, so appears from the Report of the officers of the United States' steam-ship "Corwin," submitted to the Court at Sitka on the trial of the said captain and mate of the "Thornton," and the price there charged, namely, 7 dollars per skin, was the market value per skin at Victoria aforesaid, on or about the 1st October, A.D. 1886, when the said skins, had not such seizure taken place, would have been placed on the market at Victoria.

14. That the value placed upon the various articles and groups of articles in the outfit mentioned in Exhibit (A) is the actual cost of the said articles at the city of Victoria aforesaid at the time of their purchase in the spring of 1886.

15. That hereto annexed, marked (B), is a Statement showing the number of seal-skins taken by each one of thirteen sealing-schooners in and about Behring's Sea during the season of 1886. The said Statement is based upon the Report of the Inspector of Fisheries for the Province of British Columbia for the year 1886, as contained in the Report of the Minister of Marine and Fisheries for Canada for said year at pp. 248 and 249. The schooners "Carolina," "Onward," and said steam-schooner "Thornton" were seized on the 1st and 2nd August of said year when the sealing season was not half over, and the schooners "Mary Taylor," "Mountain Chief," "Rustler," and "Kate" were not in Behring's Sea during the season of 1886, so that in calculating the average catch for the Behring's Sea fleet, the catch of the seven above-mentioned schooners was not included. With one or two exceptions the thirteen sealing-schooners, mentioned in Exhibit (B), left Behring's Sea, or the best fishing grounds therein, long before the end of the said season, as their masters feared seizure by the United States' authorities, and the said average catch, so found by Exhibit (B), is therefore fully 500 less than it otherwise would have been.

16. That hereto annexed, marked (C), is a Statement of the amount of legal expenses paid and incurred by me at Sitka and elsewhere, and also of the amount of my personal expenses incurred by reason of the said seizure.

17. That hereto annexed, marked (D), is a Statement showing the estimated loss incurred by me as owner of the said "Thornton," by reason of the said seizure and detention, and of the seizure and detention of the seal-skins then on board the "Thornton," and the breaking up of the said sealing voyage. Also, the estimated loss incurred by me during the present year by reason of the non-release of the "Thornton;" and in view of the fact that it is now too late to put the "Thornton" in repair and condition to engage in next year's business, the estimated loss for next year. And I verily believe that the said estimates of the losses incurred by me by reason of the seizure and detention of the said "Thornton" for the years 1886, 1887, and 1888, are fair and reasonable estimates, and rather under than over the actual losses so sustained.

18. That the estimated loss of 5,000 dollars for each of the years 1887 and 1888, by reason of the seizure and detention of the "Thornton," is based upon an average catch of 2,380 seal-skins valued at 5 dol. 50 c. per skin, the market value at Victoria for the present season, deducting from the gross value thereof the cost of outfit and

amount of the wages of hunters and crew, based on the "Thornton's" voyage of A.D. 1886.

19. That during and since the year 1886 7 per cent. per annum was, and now is, the minimum rate at which money for ordinary commercial purposes could be obtained at the city of Victoria aforesaid, and that hereto annexed, marked (E), is an estimate of the principal sums on which interest is claimed at the rate of 7 per cent. per annum, and the time for which it is so claimed.

And I, James Douglas Warren aforesaid, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Act respecting extra-judicial oaths.

Declared and affirmed before me at the city of Ottawa, in the county of Carleton, this 25th day of November, A.D. 1887, and certified under my official seal.

(Signed) J. D. WARREN.

(Seal.) (Signed) D. B. MAC TAVISH, *Notary Public.*

Exhibit (A).

	Dol. c.	Dol. c.
Value of steam-schooner "Thornton" at time of seizure by United States' steam-ship "Corwin"	..	6,000 00
Value of "Thornton's" outfit—		
Groceries	533 37	
Ammunition	340 26	
Dry goods	49 88	
Iron water tanks	50 00	
Ship chandlery for sealing purposes	278 64	
One chronometer	81 45	
Extra suit of new sails	307 18	
Seven No. 10 shot guns	248 00	
Five rifles	125 96	
Gun implements and tools	23 20	
Four new sealing boats and sails	612 70	
Water casks	25 00	
6 tons salt	90 00	
18 tons coal	126 00	
Cooking range and utensils	50 00	
Total outfit	2,941 64	
Insurance—		
Premium on 1,200ℓ.—insurance on hull, 101ℓ. 4s.	492 83	
Premium on 1,000ℓ.—insurance on outfit and cargo, 20ℓ. 3s. 4d.	98 60	
	591 43	
Wages paid hunters and crew up to time of seizure, hunters and crew having been taken to San Francisco by United States' authorities	1,370 00	
Passage money thence to Victoria	177 16	
Passage money and expenses of Captain Guttormsen and mate, Harry Norman, after release from Sitka to Victoria	200 00	
403 seal-skins on board the "Thornton" at the time of seizure, at 7 dollars per skin	2,821 00	
Total	4,568 16	
Total of Exhibit (A)	14,101 23	
(Signed) D. B. MAC TAVISH, <i>Notary Public.</i>		

Exhibit (B).—NUMBER of seals taken by the following thirteen sealing schooners during the year 1886 in and about the Behring's Sea, most of the thirteen leaving the sea before the end of the season, fearing capture.

Schooners—							No. of Seals.
Pathfinder	..	..	..	..	..	..	1,766
Mary Ellen	..	..	..	..	..	..	4,256
Theresa	..	..	..	..	..	..	2,625
Favorite	..	..	..	..	..	..	3,325
Black Diamond	..	..	..	..	..	..	1,760
Alfred Adams.. .. .	..	..	..	..	..	..	2,465
Active	..	..	..	..	..	..	2,275
City of Santiago	..	..	..	..	..	..	1,620
Silvia Handy	..	..	..	..	..	..	1,587
Dolphin	..	..	..	..	..	..	2,601
Anna Beck	..	..	..	..	..	..	1,400
Grace	..	..	..	..	..	..	2,550
Sayward	..	..	..	..	..	..	2,725
Total catch	..	..	..	..	..	..	30,955
Average per vessel	..	..	..	..	..	..	2,381

(Signed) D. B. MacTAVISH, *Notary Public.*

Exhibit (C).

	Dol.	c.
Legal expenses at Sitka in connection with seizure of "Thornton"	500	00
Counsel and other legal fees and expenses in and about the claims arising from said seizure	750	00
Travelling, hotel, and other necessary expenses in connection with said seizure and claims	1,000	00
Grand total, Exhibit (C)	2,250	00

(Signed) D. B. MacTAVISH, *Notary Public.*

Exhibit (D).—DAMAGES arising from the seizure and detention of the "Thornton," based upon the average catch of seal-skins per season as given in Statement (B), season of 1886.

	No.	Dol.	c.
Estimated average catch	2,381		
Less 403 skins on board the "Thornton" at the time of seizure, and charged in Statement (A)	403		
Balance, at 7 dollars per skin	1,978	=	13,846 00
Reasonable and probable profit "Thornton" would have earned in 1887 for owner			5,000 00
In view of fact that "Thornton" cannot be made available for next year's operations, reasonable and probable profit for 1888			5,000 00
Total amount, Exhibit (D)			23,846 00

(Signed) D. B. MacTAVISH, *Notary Public.*

Summary of Exhibits.

					Dol. c.	Dol. c.
Value of "Thornton" ..	..	..	..	..	6,000 00	
Value of "Thornton's" outfit ..	..	..	..	..	3,533 07	
Wages of crew and hunters ..	..	..	..	..	1,370 00	
Passage money and expenses of officers and crew in returning to Victoria ..	..	..	..	..	377 16	
403 seal-skins, at 7 dollars ..	..	..	..	..	2,821 00	
Total, Exhibit (A) ..	..	..	..	..		14,101 23
Personal expenses of owner ..	..	..	..	..	1,000 00	
Legal expenses ..	..	..	..	..	1,250 00	
Total, Exhibit (C) ..	..	..	..	..		2,250 00
Balance on estimated seal catch for 1886 ..	..	..	..	..	13,846 00	
Estimated loss to owner by detention of the "Thornton" during 1887 ..	..	..	..	..	5,000 00	
Estimated loss on same grounds for 1888 ..	..	..	..	..	5,000 00	
Total, Exhibit (D) ..	..	..	..	..		23,846 00
Total amount of claim ..	..	..	..	..		40,197 23

Memorandum.

If the owner of the "Thornton" is indemnified for balance of estimated seal catch for year 1886, there should be deducted from the total claim the sum of 3,379 dol. 58 c. included in Exhibit (A) for outfit, which would necessarily have been consumed in the prosecution of the voyage, and including the sum of 1,370 dollars paid in wages, as per Exhibit (F).

					Dol. c.
Total claim ..	..	..	..	..	40,197 23
Value consumed on voyage ..	..	..	..	..	3,379 58
Net claim ..	..	..	..	..	36,817 65

(Signed) D. B. MacTAVISH, Notary Public.

Exhibit (E).—ESTIMATE of the principal sums on which interest at 7 per cent. per annum is claimed, and the time for which interest is so claimed.

	Dol. c.
Value of "Thornton's" estimated full catch for 1886, namely, 2,381 skins, at 7 dollars per skin, from the 1st October, 1886, when the catch would have been realized on ..	16,667 00
Actual cash outlay for legal and other necessary expenses incurred by reason of the seizure before the 1st October, 1886..	500 00
Total principal on which interest is claimed since the 1st October, 1886, to date of payment of claim ..	17,167 00
Estimated value of the "Thornton" catch for 1887, less cost of outfit and wages of crew and hunters, on which interest at 7 per cent. per annum is claimed from the 1st October, 1887, on or about which date the catch would be realized on, to date of payment ..	5,000 00
If the claim for 1887 be not allowed, then interest is claimed on the value of the "Thornton" at 7 per cent. per annum from the 1st October, A.D. 1886, to time of payment..	6,000 00

(Signed) D. B. MacTAVISH, Notary Public.

Exhibit (F).—DETAILS of items of "Thornton's" outfit consumed during the course of full sealing and fishing voyage.

	ITEMS.							Dol. c.
Groceries	..	..	..	..	..	..	..	533 37
Ammunition	..	..	..	..	..	..	..	340 26
Dry goods	..	..	..	..	..	..	..	49 88
Ship chandelry	..	..	..	..	..	..	..	278 64
Insurance premiums	..	..	..	..	..	..	..	591 43
Wages of crew and hunters	..	..	..	..	..	..	..	1,370 00
6 tons salt	..	..	..	..	..	..	..	90 00
18 tons coal	..	..	..	..	..	..	..	126 00
Total value consumed								3,379 58
(Signed) D. B. MACTAVISH, Notary Public.								

No. 88.

Sir L. West to the Marquis of Salisbury.—(Received January 16.)

My Lord, Washington, January 5, 1888.
 WITH reference to my despatches of the 2nd April last and of the 6th May, I have the honour to inform your Lordship that I am advised that the case of the American sealing-schooner "Sierra" will probably be dismissed, on the ground that the Captain of the Revenue cruiser was acting under the instructions of the Government, and that the plaintiff therefore would have to apply to Congress.

I have, &c.
 (Signed) L. S. SACKVILLE WEST.

No. 89.

Colonial Office to Foreign Office.—(Received January 16.)

Sir, Downing Street, January 14, 1888.
 WITH reference to the letter from this Department of the 26th ultimo, relating to the seizure of Canadian sealing-schooners in Behring's Sea, I am directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, inclosing an approved Report of a Committee of his Privy Council, submitting a revised statement of the loss sustained in the case of the schooner "Onward."

I am, &c.
 (Signed) JOHN BRAMSTON.

Inclosure 1 in No. 89.

The Marquis of Lansdowne to Sir H. Holland.

Sir, Government House, Ottawa, December 23, 1887.
 WITH reference to your despatch of the 14th September last, directing attention to the magnitude of the claims for compensation prepared by the owners of the British sealing-vessels seized in Behring's Sea by United States' Revenue cruisers, and to my despatch of the 2nd instant, I have the honour to forward herewith, for transmission to the United States' Government, a copy of an approved Report of a Committee of the Privy Council, submitting a revised statement of the loss sustained in the case of the schooner "Onward."

You will observe that my Minister of Marine and Fisheries considers that the claim now made is not unreasonable.

I have, &c.
 (Signed) LANSDOWNE.

Inclosure 2 in No. 89.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council, December 20, 1887.

THE Committee of the Privy Council have had under consideration a despatch, dated the 14th September, 1887, from the Right Honourable the Secretary of State for the Colonies, on the subject of the seizure of British sealing-vessels in Behring's Sea by United States' Revenue cruisers, and directing attention to certain claims for compensation against the United States' Government.

The Minister of Marine and Fisheries, to whom the despatch and inclosures were referred, states that the claims (three in number) referred to in this despatch were sent back to the owners of the vessels for revision. In the cases of two of these, the "Thornton" and "Carolina," a full and detailed revised statement of the losses has already been submitted, and he (the Minister) submits herewith a revised statement of the loss to the owners of the schooner "Onward" on account of the seizure of said vessel. This claim the Minister considers to be a reasonable one.

The Committee recommend that your Excellency be moved to forward the claim herein mentioned to the Right Honourable the Secretary of State for the Colonies for transmission to the United States' Government.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council, Canada.

Inclosure 3 in No. 89.

Declaration of James Douglas Warren.

City of Ottawa, Province of Ontario, Dominion of Canada.

I, JAMES DOUGLAS WARREN, of the city of Victoria, in the Province of British Columbia of the Dominion of Canada, master mariner and ship-owner, do solemnly and sincerely declare as follows:—

1. That I am the duly authorized agent of Charles Spring, merchant, of the said city of Victoria, and owner of the hereinafter-mentioned schooner "Onward."

2. That the said schooner "Onward" is a British vessel of about 94 tons burden, builder's measurement, and at the time of her seizure, as hereinafter set out, was, and now is, registered at the port of Victoria aforesaid.

3. That about the 10th day of June, A.D. 1886, the said schooner "Onward" sailed from the west coast of Vancouver Island, having previously cleared at the port of Victoria aforesaid, on and for a full-season hunting and fishing voyage in the North Pacific Ocean and Behring's Sea.

4. That on and for said voyage the crew of the "Onward" consisted of Daniel Monroe, of Victoria aforesaid, master; John Margotich, of the same place, mate; and twenty sailors and hunters; all of whom were on board the "Onward" at the time of her seizure hereinafter mentioned.

5. That on the morning of the 2nd August, A.D. 1886, while in said Behring's Sea, in north latitude 54° 32' and west longitude 167° 55', and about 68 miles from Ounalaska Island, the nearest land, lawfully, as I verily believe, pursuing the objects of her said voyage, the "Onward" was seized by the United States' steam-ship "Corwin," and taken in tow of said "Corwin" to Ounalaska, in the Territory of Alaska, of the United States of America, having then on board 400 seal-skins.

6. That upon the said "Corwin's" arrival at Ounalaska aforesaid with the said "Onward," the "Onward" was, by order of the United States' authorities thereat, stripped of her sails and outfit, the skins on board taken out, her master, the said Daniel Monroe, and mate, the said John Margotich, placed under arrest, and her voyage completely broken up.

7. That the said master and mate, Daniel Monroe and John Margotich, were by the said United States' authorities taken to Sitka, in the said Territory of Alaska, there to be tried on a charge of having violated the laws of the United States respecting seal fishing in the waters of Alaska. On arrival at Sitka the said master and mate were bound over to appear for trial on said charge, and were on or about the 1st of the month of September following so tried, found guilty, and sentenced—the master, Daniel Monroe, to pay a fine of 500 dollars, the mate, John Margotich, to pay a fine of 300 dollars, and each to be imprisoned for the space of thirty days, which imprisonment they suffered.

8. That hereto annexed, marked "(A)," is a statement of the articles comprising the outfit of the "Onward" at the time of her departure on said voyage, and the value thereof, all of which were on board the "Onward" at the time of her said seizure, excepting only what had been consumed in the ordinary course and prosecution of the voyage; also of the amount paid for insurance on said voyage, also the amount of wages paid the crew and hunters on said voyage also the amount paid for fares and expenses of the master and mate in returning to Victoria from Sitka after their release, and also of the number and value of the seal-skins on board the "Onward" at the time of her seizure, and which were taken from the "Onward" at Ounalaska by the United States' authorities.

9. That the prices charged for the various articles and groups of articles comprising

the outfit of the "Onward" on and for said voyage are the regular market prices of the said articles at Victoria aforesaid at the time of their purchase for use on said voyage. The price charged in said statement for the seal-skins on board the "Onward" when seized, namely, 7 dollars per skin, was the market price per skin at Victoria aforesaid at the close of the sealing season of 1886, when the catch of the "Onward," had not such seizure taken place, would have been placed on the market.

10. That the value of the schooner "Onward," as given in Exhibit (A), namely, 4,000 dollars, is a fair and reasonable value for the said schooner at the time of her seizure; she was then, and had always been, kept in first class order and condition, and was always a staunch, seaworthy vessel, and for the said voyage had been refitted with new sails and sailing gear.

11. That hereto annexed, marked "B," is a statement of the catch of thirteen sealing-vessels, in and about Behring's Sea, during the season of 1886; the said statement is compiled from the Report of the Inspector of Fisheries for the Province of British Columbia for the year 1886, as contained in the Report of the Department of Fisheries for Canada for that year at pp. 248 and 249, and from personal knowledge of the facts therein set out, I verily believe the said statement to be substantially true and correct. The steam-schooner "Thornton," the schooners "Carolena" and "Onward," meaning the "Onward" herein mentioned, were seized on the 1st and 2nd August, 1886, in Behring's Sea, at the beginning of the best sealing period; and the schooners "Mary Taylor," "Mountain Chief," "Rustler," and "Kate" were not in Behring's Sea during the season of 1886, so in estimating the average catch per vessel in Behring's Sea for 1886, the catch of the above-named seven vessels is not included in Exhibit (B); all of the thirteen vessels named in Exhibit (B), with only one or two exceptions, left Behring's Sea long before the end of the sealing season of 1886, because of the seizures which had been made by the United States' steam-ship "Corwin," fearing to remain lest they also should be seized; by reason of such departure from the said sea, or the best sealing grounds therein, before the close of the season, I verily believe that the catch per vessel, as found in Exhibit (B), namely, 2,381 seal-skins, is fully 500 less than it would have been had the said vessels remained the full season in said sea.

12. That hereto annexed, marked "C)," is a statement of the legal expenses incurred at Sitka and elsewhere by reason of the said seizure of the "Onward," the arrest and imprisonment of the said master and mate, and the claims arising therefrom, and also of the personal expenses of the said owner and said agent in the same connection.

13. That the Exhibit (D), hereto annexed, is a statement of the estimated loss and damage resulting to the owner of the "Onward" by reason of her seizure and detention in A.D. 1886, A.D. 1887, and A.D. 1888. The estimated loss for the year 1886 is based upon the average catch per vessel, as found in Exhibit (B), less the number of skins on board the "Onward" when seized, the balance being valued at 7 dollars per skin, the price per skin at Victoria at the close of the season 1886. The claim for A.D. 1887 and A.D. 1888 is based upon the same average catch as for A.D. 1886, valued at 5 dol. 50 c. per skin, which was the market value per skin at Victoria aforesaid at the close of the season 1887, after deducting therefrom the cost of outfit and wages of crew and hunters for each year, based on the "Onward's" said voyage of A.D. 1886. The said claim of 5,000 dollars for each of said years A.D. 1887 and A.D. 1888 is a fair and reasonable estimate of the earnings of the "Onward" in hunting and fishing for the said years.

14. That Exhibit (E), hereto annexed, is a statement of the principal sums on which interest at 7 per cent. per annum is claimed, and the time for which said interest is so claimed. At the time when the catch of the "Onward" for 1886 would have, in the ordinary course of events, been realized on, namely, on or about the 1st October in said year, the minimum rate of interest on money for commercial purposes was, has since continued to be, and now is, 7 per cent. per annum.

15. That hereto annexed, marked "(F)," is a statement of the articles, and the value thereof, as given in Exhibit (A) of the "Onward's" outfit on said voyage of 1886, including insurance premiums and wages, which would necessarily be wholly, or almost wholly, consumed in the course of a full season's hunting and fishing, such as contemplated by the "Onward" in 1886.

16. That on the 13th day of July last past I was at Ounalaska aforesaid, and was then on board of the said schooner "Onward." She was then lying side-to on a gravel beach, in the harbour at Ounalaska, partially embedded in the gravel, and generally in a very bad condition. Her standing rigging was much weather-beaten, also her deck and side-seams were in a very bad state, the long exposure and severe frosts of the previous winter having broken out the pitch, and, judging from their appearance, they were very leaky. From what I then saw of the condition of the "Onward," I verily believe that she could

not be floated and put in a fit state for sea without extensive repairs, which at Ounalaska, where there is neither the requisite workmen nor material, would involve very large expenditure, and that to float the said "Onward," take her to Victoria aforesaid, the nearest port where the requisite facilities exist, and where she could be repaired and refitted at least cost, and there repair and refit her, would cost at least 4,500 dollars.

And I, Douglas Warren aforesaid, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act respecting Extra-judicial Oaths."

(Signed) J. D. WARREN.

Declared and affirmed before me at the city of Ottawa, in the County of Carleton, in the Province of Ontario, this 9th day of December, A.D. 1887, and certified under my official seal.

(Signed) D. O'CONNOR, *Notary Public for Ontario.*

Exhibit (A).

Value of the schooner "Onward" at the time of her seizure	..	Dol. c.	Dol. c.
Outfit--			4,000 00
Groceries	..	470 70	
Ammunition	..	19 07	
Dry goods	..	68 25	
Ship chandlery	..	251 59	
Four shot guns	..	61 00	
Three iron water-tanks	..	57 00	
Fourteen water-casks	..	21 00	
Nine canoes and outfit	..	445 50	
Salt	..	52 57	
Coal	..	13 80	
Cooking stove and utensils	..	56 63	
Chronometer, sextant, and two flags	..	140 00	
Three extra compasses	..	24 00	
Sundries	..	97 58	
			1,778 69
Insurance premium and survey on hull	..	260 00	
Wages paid to hunters and crew for voyage	..	1,820 00	
Fines and expenses of captain and mate from Sitka to Victoria after release	..	200 00	
400 seal-skins on board, at 7 dollars per skin	..	2,800 00	
Total, Exhibit (A)	..	10,858 69	

(Signed) J. D. WARREN.

(Signed) D. O'CONNOR, *Notary Public.*

Exhibit (B).—NUMBER of Seal-skins taken by each of the following thirteen Sealing-vessels during the year 1886, in and about the Behring's Sea, most of the said vessels leaving the Sea before the end of the said Season fearing seizure :—

Vessels.	Seal-skins.
Pathfinder	1,766
Mary Ellen	4,256
Theresa	2,625
Favorite	2,325
Black Diamond	1,760
Alfred Adams	2,465
Active	2,275
City of Santiago	1,620
Silvia Handy	1,587
Dolphin	2,601
Anna Beck	1,400
Grace	2,550
W. P. Sayward	2,725
Total catch	30,955
Average per vessel	2,381

(Signed) J. D. WARREN.

(Signed) D. O'CONNOR, *Notary Public.*

Exhibit (C).

Legal expenses at Sitka in connection with the seizure of the "Onward" ..	Dol. c.	500 00
Counsel and other legal fees and expenses in and about the seizure of the "Onward," and the claims arising thereunder, exclusive of the above 500 dollars		750 00
Personal expenses other than the above in the same connection		250 00
Total		1,500 00
(Signed)	J. D. WARREN.	
(Signed) D. O'CONNOR, Notary Public.		

Exhibit (D).—ESTIMATED Damages arising from the Seizure and Detention of the Schooner "Onward," based on the average Catch per Vessel for 1886, as given in Exhibit (B).

Average catch seal	2,381	Dol. c.	
Less number on board at seizure, and charged in Exhibit (A) ..	400		
Balance, at 7 dollars per skin	1,981	=	13,867 00
Reasonable and probable profit on operations for the year 1887 ..	5,000	00	
"Onward" not being released, and not available to engage in next year's operations, reasonable and probable profit for 1888 ..	5,000	00	
Total, Exhibit (D)	23,867	00	
(Signed)	J. D. WARREN.		
(Signed) D. O'CONNOR, Notary Public.			

Exhibit (E).—ESTIMATE of the Principal Sums on which Interest at 7 per cent. per annum is claimed, and the Time for which interest is so claimed.

Value of the "Onward's" estimated catch for 1886, namely, 2,381 skins, at 7 dollars per skin, from the 1st day of October, A.D. 1886, when the catch would have been realized on	16,667 00
Actual outlay for legal and other necessary expenses incurred by reason of the seizure of the "Onward" before the 1st October, 1886	500 00
Total principal on which interest is claimed from October A.D. 1886, to date of payment of claim	17,167 00
Estimated value of "Onward's" catch for 1887 (less cost of outfit and wages of crew and hunters) on which interest at 7 per cent. per annum is claimed from the 1st October, A.D. 1887, on or about which date the catch would be realized on, to date of payment	5,000 00
If claim for 1887 be not allowed, then interest is claimed on the value of the "Onward" from the 1st October, A.D. 1886, to date of payment	4,000 00
(Signed)	J. D. WARREN.
(Signed) D. O'CONNOR, Notary Public.	

Exhibit (F).—VALUE of Articles of "Onward's" Outfit, which would have been wholly or almost wholly consumed on a full Hunting and Fishing Trip.

Groceries	470 70
Ammunition	19 07
Dry goods	68 25
Ship chandlery	251 59
Salt	52 57
Coal	13 80
Wages	1,820 00
Insurance premiums	260 00
Total consumption during voyage	2,955 98
(Signed)	J. D. WARREN.
(Signed) D. O'CONNOR, Notary Public.	

Memo.

If the full claim for the sealing season of 1886, as set out in Exhibit (B), be allowed, then the amount of this Exhibit, 2,955 dol. 98 c. will properly appear as a credit, and be deducted from the total of Exhibit (A), of which it forms part.

No. 90.

*Colonial Office to Foreign Office.—(Received January 23.)*Sir, *Downing Street, January 23, 1888.*

I AM directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Marquis of Salisbury, with reference to previous correspondence, copies of two despatches from the Governor-General of Canada, forwarding statements of claims for losses sustained by certain British vessels engaged in the Behring's Sea seal fishery.

I am to request that these claims may be presented to the United States' Government should Lord Salisbury see no objection thereto.

I am to request that the sub-inclosures in these despatches, which are sent in original, may be returned.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 90.

*The Marquis of Lansdowne to Sir H. Holland.*Sir, *Government House, Ottawa, January 4, 1888.*

I HAVE the honour to transmit to you, for presentation to the United States' Government, a copy of an approved Minute of the Privy Council of Canada, submitting a detailed statement of the claim of the owner and agent of the schooner "Favorite," which vessel was, on the 2nd August, 1886, while sealing in Behring's Sea, about 68 miles from land, ordered by the United States' steamer "Corwin," under threat of seizure, to cease operations and leave the Behring's Sea forthwith.

You will observe that the circumstances connected with this claim differ from all the others, inasmuch as no actual seizure was effected, but my Minister of Marine and Fisheries considers that the claim for loss of the fishing season is not unreasonable.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 90.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 30th December, 1887.

ON a Report dated the 19th December, 1887, from the Minister of Marine and Fisheries, submitting a detailed statement of the claim of the owner and agent of the schooner "Favorite," which vessel was, on the 2nd day of August, 1886, while sealing in the Behring's Sea, not far from where the schooner "Onward" was seized the same day, viz., north latitude 54° 32', west longitude 167° 55', about 68 miles from land, ordered by the United States' steamer "Corwin," under threat of seizure, to cease operations and leave the Behring's Sea forthwith.

The Minister represents that the circumstances connected with this claim differ from all the others, inasmuch as no actual seizure was effected, but the Minister believes the claim for loss of the fishing season to be reasonable.

The Minister recommends that it be forwarded to Her Majesty's Government for presentation to the Government of the United States.

The Committee advise that your Excellency be moved to forward the claim herein mentioned to the Right Honourable the Secretary of State for the Colonies, for transmission to the United States' Government.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Inclosure 3 in No. 90.

Declaration of James Douglas Warren.

City of Ottawa, Province of Ontario, Dominion of Canada.

I, JAMES DOUGLAS WARREN, of the city of Victoria, in the Province of British Columbia of the Dominion of Canada, master mariner and ship-owner, do solemnly and sincerely declare as follows:—

1. I am the duly authorized agent of Charles Spring, merchant, of Victoria aforesaid, the owner of the hereinafter mentioned schooner "Favorite."

2. That the schooner "Favorite" herein referred to is a British vessel of 80 tons, registered at the port of Victoria aforesaid, and was so registered at the time of the occurrence hereinafter set out, namely, on the 1st and 2nd days of August, A.D. 1886.

3. That towards the end of the month of May A.D. 1886, after having been duly cleared at the port of Victoria aforesaid, for that purpose, the said schooner "Favorite" sailed on and for a full season's hunting and fishing in the North Pacific Ocean and Behring's Sea.

4. That on and for said voyage the crew of the said "Favorite" consisted of Alexander McLean, of Victoria aforesaid, master, a mate, and twenty-three sailors and hunters, and completely equipped and provisioned for a full season of hunting and fishing in said waters.

5. I am informed by the said master of the "Favorite," and several of the crew of the "Favorite," and do verily believe, that on the night of the 1st August, or early morning of the 2nd August, A.D. 1886, the said "Favorite," while in the Behring's Sea, not far from where the schooner "Onward" was seized on the said morning of the 2nd August, 1886, and while lawfully pursuing the objects of said voyage, was hailed by United States' steam-ship "Corwin," then having in tow the seized vessels "Thornton" and "Carolena." After the usual inquiries as to the name of the vessel, the Commander or officer then in charge of the said "Corwin" ordered the "Favorite" to cease sealing and leave Behring's Sea forthwith, otherwise she would be seized, or words to that effect. The master of the "Favorite," not wishing to risk seizure, and fearing that if he remained in the said sea his vessel and cargo would be so seized as threatened by the Commander of the "Corwin," and for no other reason or reasons whatever, at once made all sail and left the said sealing grounds, thereby losing the remainder of the sealing season.

6. That by reason of so being forced to cease sealing and leave Behring's Sea at about the beginning of the best period of the sealing season, the "Favorite" lost at least 1,000 seal-skins, and her total catch for the season was reduced by that much.

7. That on said voyage the "Favorite" carried twenty hunters and ten canoes. The schooner "Mary Ellen," of Victoria aforesaid, on a similar voyage the same season, with fifteen hunters and five sealing-boats, not seeing or hearing of the said seizures, and remaining in the sea till or about the close of the sealing season, caught 4,256 seal-skins. The actual catch of the "Favorite" for said season was only 3,325, though she had one-third more hunters than the said "Mary Ellen," and equally as good, if not better, chances of obtaining as large a catch; and I verily believe that the sum of the actual catch of the "Favorite," together with the 1,000 herein claimed, making a total of 4,325 for the season of 1886, is a fair and reasonable estimate for the catch of the "Favorite" that year, had she had not been interfered with as above set out.

8. That the market price per seal-skin at Victoria at the close of the season of 1886 was 7 dollars, and the amount claimed as the value of 1,000 skins lost to the owner of the "Favorite" by reason of her so leaving the Behring's Sea is 7,000 dollars.

And I, James Douglas Warren aforesaid, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act respecting Extra-judicial Oaths."

(Signed) J. D. WARREN.

Declared and affirmed before me at the city of Ottawa, in the County of Carleton, in the Province of Ontario, this 9th day of December, A.D. 1887, and certified under my official seal.

(Signed) D. O'CONNOR, *Notary Public for Ontario.*

Inclosure 4 in No. 90.

The Marquis of Lansdowne to Sir H. Holland.

Sir,
Government House, Ottawa, January 5, 1888.
WITH reference to previous correspondence, I have the honour to forward herewith a copy of an approved Minute of the Privy Council of Canada, embodying a Report of my Minister of Marine and Fisheries, submitting detailed statements of the claims of the owners and agents of the "W. P. Sayward," "Grace," "Anna Beck," "Dolphin," "Alfred Adams," and "Ada," seized in the Behring's Sea during the present season for the alleged offence of illegally capturing seals.

The Minister, you will observe, is of opinion that the claims submitted are reasonable, and recommends that they be presented to the United States' Government.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 5 in No. 90.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 30th December, 1887.

ON a Report dated the 19th December, 1887, from the Minister of Marine and Fisheries, submitting detailed statements of the claims of the owners and agents of the following vessels seized in the Behring's Sea during the present season by United States' revenue vessels, for the alleged offence of illegally capturing seals:—

1. Schooner "W. P. Sayward," seized the 9th July, 1887, latitude 54° 43' north, longitude 167° 51' west, 58 miles from nearest land;
2. Steam-schooner "Grace," seized the 17th July, 1887, latitude 53° 3' north, longitude 168° 40' west, 92 miles from nearest land;
3. Schooner "Anna Beck," seized the 2nd July, 1887, latitude 54° 58' north, longitude 167° 26' west, 66 miles from nearest land;
4. Steam-schooner "Dolphin," seized the 12th July, 1887, latitude 54° 38' north, longitude 167° 3' west, 42 miles from nearest land;
5. Schooner "Alfred Adams," seized the 6th August, 1887, latitude 54° 48' north, longitude 167° 49' west, 62 miles from nearest land;
6. Schooner "Ada," seized the 25th August, 1887, about 15 miles northward from Ounalaska Island, which was the nearest land;

The Minister represents that the circumstances connected with the seizure of these vessels do not materially differ from those attending the seizures of 1886, and for which claims for the losses sustained have already been forwarded to Her Majesty's Government, for presentation to the Government of the United States.

It may, however, be maintained that the injustice of the seizures made in 1887 is emphasized by the action of the United States' Government in ordering the release of the vessels seized in 1886, and thus leading owners of the vessels for which claims are now presented to fairly assume that, under similar circumstances, no further seizures of Canadian vessels in Behring's Sea would be effected by the United States' Government.

The Minister believes that the claims submitted herewith, the particulars of which, as far as possible, are attested to, are reasonable, and recommends that they be forwarded to Her Majesty's Government, for presentation to the Government of the United States.

The Committee advise that your Excellency be moved to forward the claims herein mentioned to the Right Honourable the Secretary of State for the Colonies, for transmission to the United States' Government.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council.

Inclosure 6 in No. 90.

Declaration of James Douglas Warren.

City of Ottawa, Province of Ontario, Dominion of Canada.

I, JAMES DOUGLAS WARREN, of the city of Victoria, in the Province of British Columbia of the Dominion of Canada, master mariner and ship-owner, do solemnly and sincerely declare as follows:—

1. That I have been a resident of the said city of Victoria for the past twenty-nine years, and during that time I have been largely interested in the building, equipment, and management of steam and sailing vessels. I have also been engaged in the sealing and fishing business at said city for the past fourteen or fifteen years.

2. The steam-schooners "Grace" and "Dolphin," and the schooner "W. P. Sayward," and the rebuilding and fitting with steam-power of the steam-schooners "Anna Beck" and "Thornton," all of which vessels have been seized in Behring's Sea by the United States' authorities, were built and done for me, and under my personal direction, and were each owned and managed by me for some time after their completion, and are

now managed by me for their respective owner and owners. The schooners "Carolena," "Favorite," "Alfred Adams," "Ada," and "Onward," all also seized in Behring's Sea by the United States' authorities, were each and all well known to me from personal knowledge. From my interest in the Behring's Sea sealing business, I kept myself well posted on the matter and manner of the condition and equipment of the said vessels, and most of the facts stated in the declarations of claim in the case of each of these vessels came under my personal observation. The said vessels, excepting the "Thornton," "Onward," and "Carolena," which are at Ounalaska, are at Sitka, in the United States' Territory of Alaska.

3. To bring these vessels from Sitka to Victoria, a distance of about 900 miles, will involve a cost of at least 1,600 dollars to purchase the necessary materials and take them to Sitka, and to convey the necessary men to Sitka and pay their wages. From leaving Victoria until arrival back with any one of said vessels would take about two months, or perhaps a few days less in the summer months, and a few days more in the winter months.

4. A full hunting and sealing season begins as early as the 1st January and up till the 1st March, and extends thence until the end of September.

This season is divided into two parts, the coast season and the Behring's Sea season. The coast season terminates about the end of June, but vessels intending to go to Behring's Sea generally leave the coast fishing during the month of May, sealing as they go northward, and reaching Behring's Sea the end of June or beginning of July. The best period of the sealing season in Behring's Sea varies in different years according to the prevailing weather from about the 20th July to the end of September, after which date, though seals are plentiful, stress of weather compels sealing-vessels to leave the sea and go south.

5. On sealing voyages the hunters are paid in lieu of wages so much per seal skin on each skin they capture, receiving from 2 to 2½ dollars per skin. The masters are generally paid partly in wages and partly in the same manner as the hunters.

The only vessel in the Behring's Sea in either of the seasons of 1886 or 1887 that made a reasonably full catch of seals was the schooner "Mary Ellen," of Victoria, which, in the season of 1886, took 4,256 seal-skins. On and for said season the "Mary Ellen" carried fifteen hunters and five boats, an average catch per boat of 851 seal-skins, the five boats being about equal to eight or nine canoes. The "Mary Ellen" was the only vessel in Behring's Sea in either 1886 or 1887 which, so far as I know, or am able after inquiry to learn, remained the full season in said sea on and about the best sealing grounds without being disturbed by the United States' authorities. And I believe that the said steam-schooners "Grace Dolphin" and "Anna Beck," and the said schooner "W. P. Sayward," which were the best equipped vessels for sealing that had ever entered the Behring's Sea, would have, if not seized or disturbed by the United States' authorities, made an equally large catch in said years 1886 and 1887, there being no reason why they should not do so.

6. The masters of the steam-schooner "Thornton" and schooner "Onward," and the mate of the schooner "Carolena," after their arrival at Sitka as prisoners in the latter part of August, entered into an agreement with one Clarke, a counsellor-at-law at Sitka, to defend their vessels and themselves on their pending trial at Sitka before the United States' District Court, and the charge of 500 dollars for legal expenses at Sitka in the case of each of the said vessels is to cover the claim of said Clarke.

7. The wages of the crew of each of the said seized vessels, except the "Alfred Adams" and "Onward," are based on two months' service expiring on the day of seizure in each case. In the "Adams" and "Onward" cases, the crews were paid up to the time of their arrival at Victoria.

And I, James Douglas Warren aforesaid, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act respecting Extra-judicial Oaths."

(Signed) J. D. WARREN.

Declared and affirmed before me, at the city of Ottawa, in the County of Carleton and Province of Ontario, this 9th day of December, A.D. 1887, and certified under my official seal.

(Signed) J. M. BALDERSON, *Notary Public for Ontario.*

Inclosure 7 in No. 90.

Declaration of James Douglas Warren.

City of Ottawa, Province of Ontario, Dominion of Canada.

I, JAMES DOUGLAS WARREN, of the city of Victoria, in the Province of British Columbia of the Dominion of Canada, master mariner and ship-owner, do solemnly and sincerely declare as follows:—

1. That I am the duly authorized agent, by power of attorney bearing date the 4th November, A.D. 1886, of Thomas H. Cooper, of the city of San Francisco, in the State of California, one of the United States of America, the managing owner of the hereinafter mentioned schooner "W. P. Sayward."

2. That the said Thomas H. Cooper is, as I am informed and do verily believe, a British subject by birth, and has never renounced his allegiance to the Sovereign of Great Britain.

3. That the said schooner "W. P. Sayward" is a British vessel, having been built at Victoria aforesaid in A.D. 1882, and duly registered at the port of Victoria aforesaid, and was at the time of her seizure, as hereinafter set out, so registered. The said "W. P. Sayward" is 135½ tons burden, by builder's measurement, and is a well and strongly built vessel.

4. That on the 16th day of May, A.D. 1887, after having duly cleared at Customs at the port of Victoria aforesaid for such purpose, the "W. P. Sayward" sailed from Victoria on and for a full hunting and fishing voyage in the North Pacific Ocean and Behring's Sea. On said voyage George E. Ferey, of the said city of Victoria, was master; Andrew Laing, of the same place, mate; and the crew numbered, in addition to the master and mate, twenty-two or twenty-three, with nine canoes and one boat for hunting and sealing purposes.

5. On the 2nd day of July then next following the said "W. P. Sayward" entered Behring's Sea, having then on board, as by the report of the master sent to me, 479 seal-skins, all taken on the voyage from Victoria to Behring's Sea prior to the said 2nd day of July. After entering the said sea the weather was very thick, and no sealing was done by the "W. P. Sayward."

6. On the 9th day of said July, the "W. P. Sayward" then being in latitude 54° 43' north and longitude 167° 51' west, and about 58 miles from Ounalaska Island, the nearest land, and lawfully pursuing the objects of her voyage, was seized by the United States' steam-ship "Richard Rush," and taken to Illoolook Harbour, at Ounalaska Island, in the United States' Territory of Alaska. At said harbour the seal-skins on board the "W. P. Sayward" were taken out and stored on shore, and the "W. P. Sayward" was, by order of the authorities of the United States, sent to Sitka, in the said Territory of Alaska, in charge of an officer from said "Richard Rush," together with all her crew.

7. Upon arrival at Sitka the "W. P. Sayward" was handed over to United States' Marshal Atkins, the master and mate of the "W. P. Sayward," the said George E. Ferey and Andrew Laing, were taken before a Judge and bound over to appear for trial on the 22nd day of August then instant, and from day to day thereafter, on a charge of having violated the laws of the United States relating to seal-fishing in the waters of Alaska. The said master and mate so appeared on the 22nd August and day by day thereafter, until the 9th day of September, when, without having been tried on said charge or any other charge whatever, they were unconditionally released.

8. That hereto annexed, marked "(A)," is a statement of the value of the said schooner "W. P. Sayward" at the time of her seizure by the "Richard Rush," also of the articles, and groups of articles, and the value thereof, comprising the outfit of the "W. P. Sayward" on and for said voyage, also of the amount of premiums paid for insurance of the hull, outfit, and cargo of said schooner during said voyage; also of the amount paid in wages to the crew and hunters on said voyage; also of the fares and expenses of the mate to and from Victoria for instructions, and of the master, mate, and part of the crew in returning to Victoria from Sitka; and also of the number and value of the seal-skins taken from the said schooner when seized.

9. The value placed on the schooner "W. P. Sayward" in said Exhibit (A), namely, 6,000 dollars, is a fair and reasonable valuation of the said schooner, considering her original cost, which was about 7,000 dollars, the condition of repair she was in when seized, and the value of vessels of her class at Victoria aforesaid, for such purposes as the "W. P. Sayward" was designed and used. Immediately before going on said voyage she was thoroughly repaired and refitted, and, at the time of her seizure, was in first-class order

and condition. Besides the outfit mentioned in Exhibit (A), there was on board the "W. P. Sayward," when seized, a considerable quantity of extra gear, tackling, and ship stores. The insurance value of the "W. P. Sayward," for the year 1887, was 6,000 dollars, and on and during said voyage she was insured in the sum of 1,000*l.* on her hull, and in 2,000*l.* on her outfit and cargo.

10. The value placed on the various articles and groups of articles comprising the outfit of the said schooner, as given in Exhibit (A), is the market price for each of said articles at Victoria aforesaid at the time of their purchase for the use and purposes of said voyage. The price charged in Exhibit (A) for the seal-skins on board the "W. P. Sayward" when seized, namely, 5 dol. 50 c. per skin, is the market price per skin current at Victoria aforesaid on or about the close of the sealing season of 1887, when the catch of the "W. P. Sayward," had not such seizure taken place, would have been placed on the said market.

11. That hereto annexed, marked "(C)," is a statement of the legal and personal expenses incurred at Sitka and elsewhere by reason of the seizure of the "W. P. Sayward," the arrest and detention of her master and mate, and the claims arising therefrom.

12. That hereto annexed, marked "(D)," is an estimate of the loss and damage resulting to the owner thereof by reason of the seizure and detention of the schooner "W. P. Sayward" during the season of 1887, and the probable loss from the same cause for the season of 1888. The estimated catch of seals by the "W. P. Sayward" for the season of 1887 is based upon an average catch of 350 seals per boat and canoe for a full season, and I verily believe, had the above seizure not taken place, that, under ordinary circumstances, the total catch of the "W. P. Sayward" for said full season would have been at least the said number of 3,500 seals.

13. That after the close of the sealing season, and during the months of October, November, and December, A.D. 1887, and January 1888, had the "W. P. Sayward" been in her owner's possession she would have been engaged in the coasting and general freighting trade in and about the coasts of British Columbia, and the said claim of 300 dollars per month for each of said months is a fair and reasonable estimate of the earnings of the "W. P. Sayward" for and during said months, after deducting therefrom the cost of wages and running expenses.

14. In order to put the "W. P. Sayward" in order and condition to engage in hunting and fishing the full season of 1888, it is necessary that she should be in her owner's possession at Victoria aforesaid on or before the 1st day of February, A.D. 1888. If not then at Victoria it will be impossible to repair and refit her in time to start out on a full season voyage which begins about the 1st March. As during the summer months there would be little for a vessel like the "W. P. Sayward" to do in the coasting and local freighting trade, if she were not got away on a fishing and hunting voyage the season would be practically lost. The estimated profit on a full season of hunting and fishing by the "W. P. Sayward" in 1888, namely, 6,000 dollars, is a fair and reasonable catch estimate, based on a catch of 3,500 seal-skins, and, deducting from the gross value thereof, at 5 dol. 50 c. per skin, the cost of outfit and wages based on the "W. P. Sayward's" voyage of 1887.

15. That hereto annexed, marked "(E)," is a statement of the principal sums on which interest at 7 per cent. per annum is claimed, and the time for which it is so claimed. On the 1st October, A.D. 1887, on or about which date the catch of the "W. P. Sayward" for 1887 would have been, in the ordinary course of events, realized on, the minimum rate of interest on money for commercial purposes at the said city of Victoria was, has since continued to be, and now is, 7 per cent. per annum.

16. That hereto annexed, marked "(F)," is a statement of the articles, and groups of articles, and the value thereof, comprised in the outfit of the "W. P. Sayward" on said voyage as given in Exhibit (A), which would have been wholly or almost wholly consumed in the course and prosecution of a full season's hunting and fishing voyage, such as contemplated by the "W. P. Sayward" in 1887.

And I, James Douglas Warren aforesaid, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act respecting Extra-judicial oaths."

(Signed) J. D. WARREN.

Declared and affirmed before me at the city of Ottawa, in the County of Carleton and Province of Ontario, this 9th day of December, A.D. 1887, and certified under my official seal.

(Signed) D. O'CONNOR, *Notary Public.*

Exhibit (A).

	Dol. c.	Dol. c.
Value of the schooner "W. P. Sayward" at the time of her seizure by United States' steam-ship "Richard Rush" on the 9th July, A.D. 1887	..	6,000 00
Value of "W. P. Sayward's" outfit on said voyage—		
Groceries	856 67	
Ammunition	202 76	
Dry goods	95 75	
Two iron tanks	50 00	
Water-casks	25 00	
Ship chandlery	101 40	
Four No. 10 shot guns	160 00	
Two rifles	45 00	
Gun implements and tools	9 00	
One sealing-boat (returned)	..	
Nine canoes and outfits	513 00	
8 tons salt	120 00	
5 tons coal	35 00	
Cooking range and utensils	75 00	
		2,288 58
Insurance—		
Premium on 1,000 <i>l.</i> on hull, 84 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	410 70	
Premium on 2,000 <i>l.</i> on cargo, 105 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i>	514 59	
		925 29
Wages paid sailors and hunters for voyage up to time of seizure	..	1,437 75
Passage money of mate to Victoria for counsel and instructions and return	100 00	
Fares of master and mate on return to Victoria, and personal expenses	150 00	
Fares of seventeen men (crew) from Fort Simpson to Victoria	255 00	
		505 00
479 seals on board "W. P. Sayward" when seized, at 5 dol. 50 c. per skin	..	2,634 50
Total, Exhibit (A)	..	13,791 12

(Signed) J. D. WARREN.

(Signed) D. O'CONNOR, *Notary Public.*

Exhibit (G).

	Dol. c.
Legal expenses at Sitka in connection with the seizure of the "W. P. Sayward"	100 00
Counsel and other legal fees and expenses in and about the claims arising from said seizure	750 00
Personal expenses of the owner in connection with said seizure and claims	250 00
Total, Exhibit (G)	1,100 00

(Signed) J. D. WARREN.

(Signed) D. O'CONNOR, *Notary Public.*

Exhibit (D).—DAMAGES arising from the Seizure and Detention of the "W. P. Sayward," during the Season of 1887, based upon her reasonable and probable Catch of Seals for that Season.

	Dol. c.
Estimated catch of seal-skins	3,500
Less on board at seizure	479
Balance, at 5 dol. 50 c. per skin	3,021 = 16,615 50
Loss to owners of "W. P. Sayward" by reason of her detention after the close of the sealing season of 1887, namely, for the months of October, November, and December, A.D. 1887, and January, A.D. 1888, when the "W. P. Sayward," if in owner's possession, would have been engaged in coasting trade. Four months, at 300 dollars per month	1,200 00
If owner not put in possession of "W. P. Sayward" on or before the 1st February, 1888, so that she may be put in order and condition to engage in fishing and hunting voyage for season of 1888, reasonable and probable profit for the season of 1888	6,000 00

Exhibit (E).—ESTIMATE of the Principal Sums on which Interest is claimed at 7 per cent. per annum, and the Time for which it is so claimed.

	Dol.	c.
Value of the estimated catch of the "W. P. Sayward" for season of 1887, from the 1st day of October, A.D. 1887, when said catch would have been realized on, viz., 3,500 skins, at 5 dol. 50 c. per skin	19,250	00
Actual outlay for legal and other expenses on account of said seizure prior to the 1st October, 1887	605	10
Total principal on which interest at 7 per cent. per annum from the 1st October, 1887, is claimed	19,855	10

(Signed) J. D. WARREN.

(Signed) D. O'CONNOR, *Notary Public.*

Exhibit (F).—VALUE of estimated Consumption of Articles of "W. P. Sayward's" Outfit on a full Voyage.

	Dol.	c.
Groceries	856	67
Ammunition	202	76
Dry goods	95	75
Ship chandlery	101	40
Salt	120	00
Coal	35	00
Wages	1,437	75
Insurance premiums	925	29
Total consumption	3,774	62

(Signed) J. D. WARREN.

(Signed) D. O'CONNOR, *Notary Public.*

Memo.

If the full claim for the season of 1887, as set out in Exhibit (D), be allowed, then the amount of this exhibit, 3,774 dol. 62 c., will properly appear as a credit, and be deducted from the total of Exhibit (A), of which it forms a part.

Inclosure 8 in No. 90.

Declaration of James Douglas Warren.

City of Ottawa, Province of Ontario, Dominion of Canada.

I, JAMES DOUGLAS WARREN, of the city of Victoria, in the Province of British Columbia of the Dominion of Canada, master mariner and ship-owner, do solemnly and sincerely declare as follows:—

1. That I am the duly authorized agent of Thomas H. Cooper, of the city of San Francisco, in the State of California, one of the United States of America, the owner of the hereinafter-mentioned steam-schooner "Grace," by power of attorney bearing date the 4th day of February, A.D. 1886.

2. That the said Thomas H. Cooper is, I am informed and do verily believe, a British subject by birth, and never having renounced his allegiance to the Sovereign of Great Britain.

3. That the said steam-schooner "Grace" is a British vessel built at Victoria aforesaid, in A.D. 1881, and duly registered at the port of Victoria aforesaid. By builder's measurement the "Grace" is about 182 tons burden. She is substantially and strongly built, copper fastened throughout, and in A.D. 1885 her bottom and sides to about half-load-line were coppered. Her steam power consists of one large boiler, compound engines, and all necessary fittings, including inside surface condenser, steam fire pumps and hose, and also had on board a double steam cargo winch.

4. The said "Grace" was duly licensed as a passenger boat, and had all the appliances and conveniences required by Canadian law for such vessels.

5. That as such agent as aforesaid, I am the sole manager of the said steam-schooner "Grace" for the said Thomas H. Cooper.

6. That on or about the 23rd day of April, A.D. 1887, having previously duly cleared therefor at the port of Victoria aforesaid, the said steam-schooner "Grace" sailed from Victoria on and for a full season hunting and fishing voyage in the North Pacific Ocean and Behring's Sea. On said voyage the crew of the "Grace" consisted of William Petit, of Victoria aforesaid, master, a mate, and twenty-nine sailors and hunters.

7. That on the 6th or 7th day of July following the "Grace" entered the Behring's Sea along the 172nd west meridian, through the Amoughta Pass, commonly called the "172nd Pass," having then on board 458 seals taken while on the voyage from Victoria aforesaid to the said pass.

8. That on the 12th day of said July, A.D. 1887, the "Grace" began sealing in said Behring's Sea, and from then till she was seized as hereinafter set out caught 323 seals. On the 17th day of the said month of July the United States' steam-ship "Richard Rush" seized the said steam-schooner "Grace" for alleged violation of the laws of the United States of America respecting seal-fishing in the waters of Alaska. At the time of said seizure the "Grace" was in north latitude $55^{\circ} 3'$ and west longitude $168^{\circ} 40'$, then being about 92 miles from Ounalaska Island, the nearest land, and, as I verily believe, lawfully pursuing the objects of said voyage.

9. The "Grace" after being seized was taken to Ounalaska, in the Territory of Alaska, where by order of the United States' authorities thereat, all the seal-skins on board, except as hereinafter stated, were taken out and stored at Ounalaska, and all the firearms and ammunition taken on board the said "Richard Rush." On removing the seal-skins twelve were missing. Five were afterwards discovered on board the "Grace" and not removed, the remaining seven were not, so far as I know, ever found.

10. After removal from the "Grace" of the said seal-skins as stated in the preceding paragraph 8, a United States' officer was placed on board the "Grace," and she was, in charge of said officer, taken to Sitka, in the Territory of Alaska, together with all the crew and hunters. On arrival at Sitka on the 1st August United States' Marshal Atkins took charge of the "Grace." The master, the said William Petit, was bound over to appear for trial on the 22nd day of August then instant, on a charge then preferred against him of having violated the laws of the United States respecting seal-fishing in the waters of Alaska. The said master so appeared for trial on the 22nd instant, and thereafter day by day until the 9th day of September next following, when, without having been brought to trial on such a charge or any other charge whatever, he was unconditionally released.

11. That hereto annexed, marked "(A)," is a statement of the value of said steam-schooner "Grace" at the time of her seizure, and of the outfit then on board, also of the premiums paid for insurance on the hull, outfit, and cargo of the "Grace" for and during said voyage; also of the amount of wages paid the crew and hunters on and for said voyage up to time of seizure; also of the expenses and fares of the master and five men at and from Sitka to Victoria aforesaid, and also of the number of the seal-skins on board at the time of seizure, and the value thereof.

12. That the value placed upon the said steam-schooner "Grace" at the time of her seizure, namely, 12,000 dollars, is based upon the original cost of the said vessel, the state of repair she was then in, and the general market value of the vessels of the same class at the said port of Victoria, and for the same purpose for which she was designed. The first cost of the "Grace" was between 16,000 and 17,000 dollars. At the time of her seizure she was 6 years old, and in 1885 had been thoroughly repaired, coppered as aforesaid, and generally put in first-class order and condition. On her departure on said voyage she was in good order and condition, and had on said voyage up to the time of seizure sustained no damage beyond ordinary wear and tear. Her insurance value for said year 1887 was placed at 12,500 dollars, and she was, while on said voyage, insured for the sum of 2,000*l.*, and the said value of 12,000 dollars at the time of her seizure is a reasonable and fair value for the said steam-schooner "Grace."

13. That the value in Exhibit (A) placed on the articles, and groups of articles, comprising the outfit of the said "Grace" is the cost price of the said articles at the port of Victoria at the time of their purchase for the purposes of said voyage. In addition to the outfit named in Exhibit (A), there was on board the "Grace" at the time of her seizure a considerable quantity of general ship stores.

14. The price per seal-skin charged in Exhibit (A), namely, 5 dol. 50 c. per skin for the seal-skins on board the "Grace" when seized and taken out at Ounalaska was the market price at Victoria at the close of the sealing season of 1887, when the catch of the "Grace" for that season, in the ordinary course of events, would have been placed on the market.

15. That hereto annexed, marked "(C)," is a statement of the legal expenses incurred at Sitka and elsewhere by reason of the seizure of the "Grace" and the arrest of the

captain, and the claims arising therefrom, and also of the personal expenses connected therewith.

16. That hereto annexed, marked "(D)," is a statement of the amounts claimed by the owner of the steam-schooner "Grace" by reason of her seizure and detention during the season of 1887, and of the loss arising from the detention of the said "Grace" after the close of said season.

17. The estimated catch by the "Grace" for the season of 1887, namely, 4,200 seal-skins, is based upon a reasonable and probable catch per boat or canoe for that season. Experience in sealing has proved that the greater number of boats or canoes, or both, carried by any one sealing-vessel, the smaller the average per canoe or boat, and it is in view of this that the average per canoe for the "Grace" is put at 300 per canoe, while the average for the steam-schooner "Anna Beck" for the same season is placed at 350, the latter carrying eight canoes and one boat, while the former carried twelve canoes and two boats. The said average catch of 300 seal-skins per canoe and boat for the "Grace" is a fair average catch, and I verily believe that, had the "Grace" not been seized as aforesaid, her catch for the season of 1887 would have exceeded the said number of 4,200 seal-skins.

18. That during the months of October, November, and December, A.D. 1887, and January, A.D. 1888, had the "Grace" been in possession of her owner, she would have been engaged in the coasting trade between the various ports of British Columbia. The estimated loss per month of 500 dollars for each of said months is a fair and reasonable estimate of the earnings of the said steam-schooner "Grace" for the said months of October, November, December, and January, after deducting the cost of wages and ordinary running expenses, and I verily believe that the "Grace" would have earned the said sum per month had she been in her owner's possession.

19. That in order to engage in the hunting and fishing of next year, namely, A.D. 1888, and in view of the fact that the "Grace" will require the usual overhauling and fitting out before being sent on so long a voyage, the latest date at which it will be possible to begin necessary repairs and refitting, and have them completed in order to leave at or about the usual date on said hunting and fishing voyage, will be on or about the 1st day of February, A.D. 1888. If the "Grace" be not delivered to the owners at Victoria on or before that date, it will be too late to repair and refit her for a full season hunting and fishing voyage, which begins on or about the 1st March of each year. During the summer months, for a vessel of the class and equipment of the "Grace," there is very little to do in and about the coasting trade, and the season in the event of the "Grace" not being in the possession of her owner on or before the 1st February, A.D. 1888, would be practically lost to her owner. The claim for loss if detained beyond the 1st February aforesaid is a fair and reasonable estimate of the loss which will in such cases be sustained by the owner of the "Grace."

20. That hereto annexed, marked "(E)," is an estimate of the principal sums on which interest at 7 per cent. per annum is claimed, and the time for which it is so claimed. On the 1st day of October, A.D. 1887, when the catch of the "Grace" would have been, in the ordinary course of events, realized on, the minimum rate of interest on money for commercial purposes at the said city of Victoria was, has since continued to be, and now is, 7 per cent. per annum.

21. That hereto annexed, marked "(F)," is a statement of the articles, and groups of articles, and the value thereof, from Exhibit (A), which would have been wholly, or almost wholly, consumed in the course and prosecution of the said voyage, had not the "Grace" been seized and detained as aforesaid.

And I, James Douglas Warren aforesaid, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act respecting Extra-judicial Oaths."

(Signed) J. D. WARREN.

Declared and affirmed before me at the city of Ottawa, in the County of Carleton, in the Province of Ontario, this 9th day of December, A.D. 1887, and certified under my official seal.

(Signed) D. O'CONNOR, *Notary Public for Ontario.*

Exhibit (A).

	Dol. c.	Dol. c.
Value of the steam-schooner "Grace" at the time of her seizure ..		12,000 00
Outfit—		
Groceries	948 13	
Ammunition	166 63	
Dry goods	276 17	
Three iron water-tanks	66 00	
Water-casks	25 00	
Ship chandlery	161 18	
Twelve No. 10 shot guns	480 00	
Three rifles	77 50	
One small cannon on carriage for signalling	50 00	
Gun implements and tools	10 50	
Two sealing boats and outfits	249 57	
Twelve canoes and outfits	684 00	
8½ tons of salt	127 50	
33 tons of coal	231 00	
Cooking range and utensils	100 00	
		3,653 18
Insurance—		
Premium on 2,000% insurance on hull	821 40	
" " " outfit and cargo	514 59	
		1,335 99
Wages paid crew and hunters on voyage up to time of seizure ..		2,164 25
Fares from Sitka to Victoria of master and five of the crew, and master's expenses at Sitka		200 00
781 seal-skins on board the "Grace" when seized, at 5 dol. 50 c. per skin		4,295 50
Total, Exhibit (A)		23,648 92

(Signed)

J. D. WARREN

(Signed)

D. O'CONNOR, *Notary Public.*

Exhibit (C).

	Dol. c.
Legal expenses at Sitka in connection with the seizure of the "Grace" and arrest of master	100 00
Counsel and other legal fees and expenses in and about the seizure of the "Grace," and other claims arising thereunder	750 00
Personal expenses in the same connection	250 00
Total	1,100 00

(Signed)

J. D. WARREN.

(Signed)

D. O'CONNOR, *Notary Public.*

Exhibit (D).—ESTIMATED Loss and Damage to the Owner of the "Grace," by reason of her Seizure and Detention, during A.D. 1887.

	Dol. c.
Reasonable and probable catch of seals for the season of 1887 ..	4,200
Less number on board when seized, and charged in Exhibit (A) ..	781
Balance at 5 dol. 50 c. per skin	3,419 = 18,804 50
Reasonable earnings of "Grace" during months of October, November, and December 1887, and January 1888, had she been in owner's possession, viz., four months at 500 dollars each	2,000 00
Estimated loss for sealing season of 1888, if "Grace" not in possession of owner on or before 1st February, 1888 ..	7,000 00
Total	27,804 50

(Signed)

J. D. WARREN.

(Signed)

D. O'CONNOR, *Notary Public.*

Exhibit (E).—ESTIMATE of the principal sums on which Interest at 7 per cent. per annum is claimed, and the Time for which such Interest is so claimed.

	Dol.	c.
Value of the "Grace's" estimated catch of seals for 1887, from the 1st October, A.D. 1887, on or before which date the said catch would have been realized on, viz., 4,200 skins at 5 dol. 50 c. per skin	23,100	00
Cash expended for legal and other expenses on account of such seizure up to said date	300	00
Total principal on which interest is claimed at 7 per cent. per annum from 1st October to date of payment	23,400	00

(Signed) J. D. WARREN.

(Signed) D. O'CONNOR, *Notary Public*.

Exhibit (F).—VALUE of the Articles of the "Grace's" Outfit which would have been wholly, or almost wholly consumed, on a full hunting and fishing voyage.

	Dol.	c.
Groceries	948	13
Ammunition	166	63
Dry goods	276	17
Ship chandlery	161	18
Salt	127	50
Coal	231	00
Wages	2,164	25
Insurance premiums	1,335	99
Total value consumed	5,410	85

(Signed) J. D. WARREN.

(Signed) D. O'CONNOR, *Notary Public*.

Memo.

If the full claim for the season of 1887, as set out in Exhibit (D) be allowed, then the amount of this Exhibit, 5,410 dol. 85 c., will properly appear as a credit, and be deducted from the total of Exhibit (A) of which it forms a part.

Inclosure 9 in No. 90.

Declaration of James Douglas Warren.

City of Ottawa, Province of Ontario, Dominion of Canada.

I, JAMES DOUGLAS WARREN, of the city of Victoria, in the Province of British Columbia of the Dominion of Canada, master mariner and ship-owner, do solemnly and sincerely declare as follows:—

1. That I am the duly authorized agent of Thomas H. Cooper, of the city of San Francisco, in the State of California, one of the United States of America, engineer, by power of attorney bearing date the 4th day of November, A.D. 1886, the owner of the hereinafter-mentioned steam-schooner "Anna Beck."

2. That the said Thomas H. Cooper is, as I am informed and verily believe, a British subject by birth, and has never renounced his allegiance to the Sovereign of Great Britain.

3. That the said steam-schooner "Anna Beck" is a British vessel since A.D. 1872, when she was transferred by purchase from the Registry of the port of San Francisco aforesaid to that of Victoria aforesaid, and has since remained on the Registry of the port of Victoria. In 1883 the "Anna Beck" was rebuilt and raised, and in the winter of 1880-81 she was fitted up with steam-propellor, and all the machinery and appliances necessary for such a purpose. The cost of said steam-power and rebuilding was over 8,000 dollars.

4. That as agent, as aforesaid, of the said Thomas H. Cooper, I am the sole manager of the said steam-schooner "Anna Beck."

5. That on the 21st March, A.D. 1887, the said "Anna Beck" sailed from Victoria, having previously cleared for that purpose, on a full season's hunting and fishing voyage in the North Pacific Ocean and Behring's Sea. On or about the 25th day of May then next following the "Anna Beck" sailed from the west coast of Vancouver Island for Behring's Sea. On and for said voyage to Behring's Sea the crew of "Anna Beck" consisted of

Louis Olsen, of the said city of Victoria, master; Michael Keefe, of the same place, mate; and twenty-one sailors and hunters, with one sealing-boat and eight canoes, and a complete outfit for a full voyage of hunting and fishing in Behring's Sea.

6. That on or about the 28th day of June, A.D. 1887, the "Anna Beck" entered the Behring's Sea, and on the 2nd day of July, A.D. 1887, while in said sea, in latitude 54° 58' north and longitude 167° 26' west, then being about 66 miles from the nearest land, and lawfully engaged in the objects of said voyage, the "Anna Beck" was seized by the United States' steam-ship "Richard Rush," for alleged violation of the laws of the United States respecting seal-fishing in the waters of Alaska.

7. That at the time of said seizure the "Anna Beck" had on board 334 seal-skins, most of which had been taken by the "Anna Beck" on her voyage up to the time of entering said sea, and not afterwards. After seizure, the "Anna Beck" was, by the authority of the Commander of the "Richard Rush," taken to Illoolook Harbour, at Ounalaska Island, in the United States' Territory of Alaska, where the said seal-skins were taken out and stored on shore, and the arms and ammunition transferred to the said "Richard Rush," either at sea or in said harbour. The master, mate, and crew of the "Anna Beck" were sent to Sitka, in said Territory of Alaska, on the American schooner "Challenge." On their arrival at Sitka aforesaid the master and mate of the "Anna Beck" were taken before a Judge, and bound over to appear before said Judge on the 22nd August then instant, for trial, on a charge of having violated the laws of the United States respecting seal-fishing in the waters of Alaska. The master and mate so appeared for trial on the 22nd day of August, A.D. 1887, and thereafter from day to day until the 9th day of September then next following, when, without having been brought to trial on said charge, or on any other charge whatever, they were unconditionally released.

8. That hereto annexed, marked "(A)," is a statement showing the value of the said steam-schooner "Anna Beck" at the time of her seizure as above set out, excepting only what had been consumed in the ordinary course and prosecution of the said voyage; also of the outfit, and value thereof, of the "Anna Beck" on said voyage; also of the amounts paid for insurance premiums on the hull, outfit, and cargo of the "Anna Beck" on and during said voyage; also of the amount of wages paid to the crew and hunters for said voyage up to the time of said seizure; also of the fares and expenses of the master and mate from Sitka to Victoria, and of sixteen of the crew of the "Anna Beck" from Fort Simpson to Victoria; and also of the number and value of the seal-skins taken from the said "Anna Beck" after such seizure at Ounalaska Island.

9. The value placed on the said steam-schooner "Anna Beck," namely, 8,000 dollars, is based upon her cost, the order and condition in which she was when seized, and the value of similar vessels at Victoria aforesaid. As stated in the preceding paragraph 3 of this declaration, the "Anna Beck" was fitted with steam propelling power in A.D. 1880-81, and in A.D. 1883 was rebuilt and raised at a total cost of over 8,000 dollars. At the time of her seizure she was in first-class order and condition, having been thoroughly overhauled and refitted for said voyage, and the value claimed for her, namely, 8,000 dollars, is a fair and reasonable value for her at the time of her said seizure.

10. The prices charged in Exhibit (A) for the articles, and groups of articles, comprising the outfit of the "Anna Beck" on said voyage are the market prices at Victoria aforesaid at the time of their purchase for the use and purposes of said voyage, and the price per skin charged for the seal-skins taken from the "Anna Beck" when seized is the market price per skin current at Victoria aforesaid at the close of the season of 1887, when, in the ordinary course of events, the catch of the "Anna Beck" would have been placed on said market.

11. That hereto annexed, marked "(C)," is a statement of the legal and personal expenses at Sitka and elsewhere arising out of the seizure and detention of the "Anna Beck;" the arrest of her master and mate, and the claims arising therefrom.

12. That hereto annexed, marked "(D)," is a statement of the estimated loss and damage to the owner of the said "Anna Beck," by reason of her seizure and detention as aforesaid for the years A.D. 1887 and A.D. 1888. The estimated catch of seals for the season of 1887, namely, 3,150, is calculated upon an average catch per boat and per canoe of 350 seals, which is a fair and reasonable estimate of the probable catch per boat and per canoe for the boat and each of the canoes of the said "Anna Beck" during the season of 1887.

13. After the close of the sealing season of 1887, and during the following months of October, November, and December, A.D. 1887, and January, A.D. 1888, had the said steam-schooner "Anna Beck" been in possession of her said owner, she would have been engaged in the general coasting and freighting trade in and about the coasts of British Columbia aforesaid, and the reasonable and probable earnings of the "Anna Beck" for

said months of October, November, December, and January, after deducting from the gross amount thereof the cost of wages and running expenses, would be at least 500 dollars per month for each of the said months.

14. In order that the "Anna Beck" may be repaired and refitted in time to engage in a full season's hunting and fishing voyage for A.D. 1888, it is necessary that she should be in her owner's possession at Victoria aforesaid on or about the 1st day of February, A.D. 1888. If not at that date at Victoria and in possession of her owner, it will be impossible to put her in fit and proper condition to start out on said voyage at or about the usual time, which is on or about the 1st March in each year. During the summer months there is little for a vessel of the class and equipment of the "Anna Beck" to do in and about the general coasting trade, and if not engaged in hunting and fishing as aforesaid the season would be practically lost. The claim of 6,000 dollars as probable loss and damage to the owner of the "Anna Beck" if she is detained after the 1st February, A.D. 1888, is a fair and reasonable estimate of his said loss by reason of such detention, for the season of 1888.

15. That hereto annexed, marked "(E)," is a statement of the principal sums on which interest is claimed, the rate thereof, and the time from and to which it is so claimed. At the time when the catch of the "Anna Beck" for 1887 would have been realized, on or about the 1st October, 1887, the minimum rate of interest on money for commercial purposes at Victoria aforesaid was, has since continued to be, and now is, 7 per cent. per annum.

16. That hereto annexed, marked "(F)," is a statement of the articles of the outfit of the said "Anna Beck," and the value thereof, as given in Exhibit (A), which would have been wholly or almost wholly consumed during the course and prosecution of a full hunting and fishing voyage in the Behring's Sea.

And I, James Douglas Warren aforesaid, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act respecting Extra-judicial Oaths."

(Signed) J. D. WARREN.

Declared and affirmed before me at the city of Ottawa, in the County of Carleton and Province of Ontario, this 9th day of December, A.D. 1887, and certified under my official seal.

(Signed) D. O'CONNOR, *Notary Public for Ontario.*

Exhibit (A).

	Dol. c.	Dol. c.
Value of steam-schooner "Anna Beck" at time of seizure by United States' steam-ship "Richard Rush" on 2nd July, A.D. 1887		8,000 00
Value of "Anna Beck's" outfit—		
Groceries	876 42	
Ammunition	242 60	
Dry goods	95 76	
Four iron tanks	82 00	
Casks	10 00	
Ship chandlery	240 06	
Four No. 10 shot guns	160 00	
Two rifles	45 00	
Gun implements and tools	9 00	
One sealing-boat and outfit	140 50	
Eight canoes and outfit	456 00	
8 tons salt	100 00	
25 tons coal	175 00	
Cooking range and utensils	75 00	
		2,727 34
Insurance—		
Premium on 1,400 <i>l.</i> on hull (118 <i>l.</i> 1 <i>s.</i> 4 <i>d.</i>)	574 98	
„ 2,000 <i>l.</i> on outfit (105 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i>)	514 59	
		1,089 57
Wages paid crew and hunters up to time of seizure		1,111 50
Passage and expenses of captain and mate from Sitka, and sixteen of the crew of the "Anna Beck" from Fort Simpson to Victoria		460 54
334 seal-skins on board the "Anna Beck" at time of seizure, at 5 dol. 50 c. per skin		1,837 00
Total, Exhibit (A)		15,225 95

(Signed) J. D. WARREN.

(Signed) D. O'CONNOR, *Notary Public.*

Exhibit (C).

Legal expenses at Sitka in connection with the seizure of the "Anna Beck".	Dol. c.
Counsel and other legal fees and expenses in and about the claims arising from said seizure	100 00
Personal expenses of the owner in connection with said seizure and claims ..	750 00
	250 00
Total	1,100 00
(Signed)	J. D. WARREN.
(Signed) D. O'CONNOR, Notary Public.	

Exhibit (D).—DAMAGES arising from the Seizure and Detention of the "Anna Beck" during the season 1887, based upon her reasonable and probable Catch of Seals for that season.

Estimated catch	Dol. c.
Less skins on board when seized	3,150
	334
Balance at 5 dol. 50 c. per skin	2,816 = 15,488 00
Loss to owner of "Anna Beck" by reason of her detention after the close of the sealing season of 1887, namely, for the months of October, November, and December, A. D. 1887, and January 1888, during which time the "Anna Beck," if in owner's possession, would have been engaged in coasting trade: four months at 500 dollars	2,000 00
If owner not put in possession of "Anna Beck" on or before 1st February, A. D. 1888, so that she may be put in order and condition to engage in fishing and hunting voyage for 1888, reasonable and probable profit for the season of 1888 ..	6,000 00
(Signed)	J. D. WARREN.
(Signed) D. O'CONNOR, Notary Public.	

Exhibit (E).—ESTIMATE of the Principal Sums on which Interest, at 7 per cent. per annum, is claimed, and the Time for which said Interest is so claimed.

Value of "Anna Beck's" estimated catch of seals for 1887, about which date said catch would have been realized on, namely, 3,150 seal-skins at 5 dol. 50 c.	Dol. c.
Outlay for legal and other expenses prior to 1st October, 1887	17,325 00
	560 54
Total principal on which interest at 7 per cent. per annum is claimed from 1st October, 1887, to date of payment ..	17,885 54
(Signed)	J. D. WARREN.
(Signed) D. O'CONNOR, Notary Public.	

Exhibit (F).—ARTICLES of the "Anna Beck's" Outfit, and Value thereof, as found in Exhibit (A), which would have been wholly, or almost wholly, consumed on said Voyage had it not been broken up.

Groceries	Dol. c.
Ammunition	876 42
Dry goods	242 60
Ship chandlery	95 76
8 tons salt	240 06
25 tons coal	120 00
Insurance	175 00
Wages.. .. .	1,089 57
	1,111 50
Total value consumed	3,950 91
(Signed)	J. D. WARREN.
(Signed) D. O'CONNOR, Notary Public.	

Memo.

If the full claim for the sealing season of 1887, as set out in Exhibit (D), be allowed, then the amount of this Exhibit, 3,950 dol. 91 c., will properly appear as a credit, and be deducted from the total of Exhibit (A), of which it forms part.

Inclosure 10 in No. 90.

Declaration of James Douglas Warren.

City of Ottawa, Province of Ontario, Dominion of Canada.

I, JAMES DOUGLAS WARREN, of the city of Victoria, in the Province of British Columbia of the Dominion of Canada, master mariner and ship-owner, do solemnly and sincerely declare as follows:—

1. That I am the duly authorized agent of Thomas H. Cooper, of the city of San Francisco, in the State of California, one of the United States of America, the owner of the hereinafter-mentioned steam-schooner "Dolphin," by power of attorney bearing date the 4th day of November, A.D. 1886.

2. That the said Thomas H. Cooper is, as I am informed and do verily believe, a British subject by birth, and never having renounced his allegiance to the Sovereign of Great Britain.

3. That the said steam-schooner "Dolphin" is a British vessel, built at Victoria aforesaid in A.D. 1882, and duly registered at the port of Victoria aforesaid. By builder's measurement the "Dolphin" is 174 tons burden. She was substantially built, coppered to above light water-line, and copper-fastened when built, and had not up to the time of her seizure hereinafter set out sustained any damage or strain beyond ordinary wear and tear. Her steam-power consists of one large steel boiler, put in during the winter of 1884-85, compound engines and all the necessary fittings, including inside surface condenser, and also steam fire-pumps and hose, and a double steam cargo winch.

4. The said steam-schooner "Dolphin" was duly licensed as a passenger-boat, and had all the appliances and conveniences required by Canadian laws for such vessels.

5. That as such agent as aforesaid, I am the sole manager of the steam-schooner "Dolphin" for the said Thomas H. Cooper.

6. That on the 16th day of May, A.D. 1887, having previously cleared at the port of Victoria for that purpose, the said "Dolphin" sailed from Victoria on and for a full season's hunting and fishing voyage in the North Pacific Ocean and Behring's Sea, and on and for said voyage the crew of the "Dolphin" consisted of myself as master, John Reilly mate, and crew of thirty-one sailors and hunters.

7. That on the 6th day of July, A.D. 1887, the "Dolphin" entered the said Behring's Sea through the Amoughta Pass, commonly called the "172nd Pass," having then on board 590 seals, taken while on the voyage up through the North Pacific Ocean from Victoria aforesaid to Amoughta Pass aforesaid.

8. On the 9th day of said month of July the "Dolphin" began catching seals in Behring's Sea, then being in north latitude $54^{\circ} 18'$, and west longitude $168^{\circ} 40'$, and from said 9th day of July until the afternoon of the 12th day of said month of July the "Dolphin" caught twenty-eight seals in said Behring's Sea.

2. That on the afternoon of the 12th day of July, A.D. 1887, the United States' steam-ship "Richard Rush" seized the said steam-schooner "Dolphin" while lawfully pursuing the objects of said voyage, and then being in north latitude $54^{\circ} 38'$, and west longitude $167^{\circ} 3'$, and about 42 miles from Ounalaska Island, the nearest land, for an alleged violation of the laws of the United States respecting seal-fishing in the waters of Alaska. That when said seizure was made the "Dolphin" was lawfully pursuing the objects of said voyage. When the Commander of the said "Richard Rush" made the said seizure he told me that his instructions were to seize everything he found in the sea, or words to that effect.

10. After seizure all the firearms and ammunition on board the "Dolphin" were taken on board the said "Richard Rush," a Lieutenant from the latter placed on board the "Dolphin," under whose command the "Dolphin" was taken to the Illoolook Harbour at Ounalaska Island, in the United States' Territory of Alaska. After arrival there the 618 seal-skins on board the "Dolphin" were, by order of the United States' authorities thereat, taken out and stored. About 2,600 lbs. of salt were also taken out, for resalting the seal-skins. On the 20th day of said July the "Dolphin" sailed from Illoolook Harbour on Ounalaska Island for Sitka, in the said Territory of Alaska, where she arrived on the 31st day of said month of July.

11. On arrival at Sitka the "Dolphin" was taken charge of by United States' Marshal Atkins, of the said Territory of Alaska. As master of the "Dolphin" I, with the mate, the said John Reilly, were, on the 16th day of August then next following, taken before a Judge and bound over to appear for trial on the 22nd day of August, A.D. 1887, on a charge then read over to us of having violated the law of the United States of

America respecting seal-fishing in the waters of Alaska. We so appeared on the 22nd day of August for trial, and from day to day thereafter, for our trial on said charge. We so appeared thereafter for trial day after day until the 9th day of September following, when, without any trial on said charge or any other charge whatever, we were unconditionally released. From our arrival at Sitka on the 31st July until the 16th day of August following, when we were taken before the Judge, no effort was made to restrain us or in any way deprive us of liberty. The crew of the "Dolphin" lived on board her all the time of their stay at Sitka, and when leaving to return to Victoria by the United States' steam-ship "Richard Rush" took from the "Dolphin" sufficient provisions and supplies for the trip.

12. That hereto annexed, marked "(A)," is a statement of the value of the steam-schooner "Dolphin" at the time of her said seizure; also of the articles, and groups of articles, comprising her outfit on and for said voyage, all of which, excepting only what had been consumed in the prosecution of the voyage, were on board at seizure, as well as considerable extra supplies and stores not mentioned in Exhibit (A); also of the amount of premiums paid for insurance on the hull, cargo, and outfit of the "Dolphin" for and during said voyage; also of the amount of wages paid to the crew and hunters of the "Dolphin" on said voyage up to the time of her seizure, and of the expenses of the master and mate in returning to Victoria from Sitka; and also of the number and value of the seal-skins taken from the "Dolphin" when seized.

13. The value placed on the said steam-schooner "Dolphin" in Exhibit (A), namely, 12,000 dollars, is based upon her original cost, the condition which she was in when seized, and the value of vessels of her class and equipment at Victoria aforesaid. The first cost of the "Dolphin" was over 16,000 dollars. At the time of her seizure she was in first-class order and condition, having been specially repaired and refitted for the voyage she then was on. Her insurance value for 1887 was 12,500 dollars, and she was insured on and during said voyage for 2,000*l*. The said value, namely, 12,000 dollars, is a fair and reasonable value for the "Dolphin" when seized.

14. The prices charged for the articles, and groups of articles, in Exhibit (A), comprising the outfit of the "Dolphin," are the actual cost prices of the said articles, and groups of articles, at the time of their purchase at Victoria for the purposes of said voyage. The price per skin charged in Exhibit (A) for the seal-skins on board the "Dolphin" when seized, namely, 5 dol. 50 c. per skin, was the market price at Victoria aforesaid at the close of the sealing season of 1887, and at which time the said seal-skins would have, had not such seizure taken place, been put upon the Victoria market.

15. That hereto annexed, marked "(C)," is a statement of the legal expenses incurred at Sitka and elsewhere, and also of personal expenses arising out of the seizure of the "Dolphin," the arrest of the master and mate, and the claims relating thereto.

16. That Exhibit (D), hereto annexed, is a statement of the estimated loss and damage to the owner of the "Dolphin" by reason of her seizure and detention during A.D. 1887. The loss for 1887 is based upon a catch of 4,500 seals at the current price per seal-skin at Victoria at the close of the season of 1887. The "Dolphin," on her voyage, carried thirteen canoes and two sealing-boats, and a crew of thirty-one sailors and hunters. The estimated catch of 4,500 seals by the "Dolphin" for said season is calculated on an average catch of 300 seals per boat and canoe for a full season; and I verily believe that said average catch per boat and per canoe for said season is a fair and reasonable estimate for a full season's work. During the time the "Dolphin" was in Behring's Sea, before capture, the weather was very unfavourable for seal-hunting, being both foggy and windy, and the catch for that period is no standard by which to judge of the ordinary and average catch of the season. There are frequently, all through the season, days at a time when no seals at all are taken, and, on the contrary, I have known a single boat to take from thirty to fifty seals per day in fine weather.

17. After the close of the sealing season, and during the succeeding months of October, November, December, and January, had the "Dolphin" been in her owner's possession, she would have been engaged in the coasting trade between the various ports and freighting places on the coasts of British Columbia. During said months the fair and reasonable earnings of the "Dolphin," after deducting from the gross amount thereof the cost of wages and running expenses, would be at least 500 dollars per month.

18. The estimated loss for the season of 1888 is based upon the said average catch of 4,500 seal-skins at the rate of 5½ dollars per skin, after deducting therefrom the cost of outfit, wages, and other necessary expenses of a hunting and fishing voyage based on the "Dolphin's" voyage of A.D. 1887. In order to fit up the "Dolphin" for such voyage in 1888, it is necessary that she be in her owner's possession on or before the 1st day of February of that year. If not at Victoria aforesaid about that date, it will be impossible

to put her in order and condition to leave on such a voyage at the usual time, namely, about the 1st March. During the summer months there is little or no coasting trade for a vessel of the class and equipment of the "Dolphin," and unless she can be sent out on a regular full season of hunting and fishing, her owner will practically lose the profits of the season. And I verily believe that 7,000 dollars is a fair and reasonable estimate of the earnings of the "Dolphin" on such a full season's hunting and fishing voyage.

19. That hereto annexed, marked "(E)," is a statement of the principal sums on which interest at 7 per cent. per annum is claimed, and the time for which it is so claimed. At the time when the catch of the "Dolphin" for the season of 1887 would, in the ordinary course of events, have been realized on, namely, on or about the 1st October of that year, the minimum rate of interest on money for commercial purposes at Victoria aforesaid was, has continued to be, and now is, 7 per cent. per annum.

20. That hereto annexed, marked "(F)," is a statement showing the various articles, and groups of articles, comprised in the outfit of the "Dolphin," and the value thereof, as given in Exhibit (A), which would have been wholly or almost wholly consumed on a full season's hunting and fishing voyage, such as that contemplated by the "Dolphin" in 1887.

And I, James Douglas Warren aforesaid, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act respecting Extra-judicial Oaths."

(Signed) J. D. WARREN.

Declared and affirmed before me at the city of Ottawa, in the County of Carleton, in the Province of Ontario, this 9th day of December, A.D. 1887, and certified under my official seal.

(Signed) D. O'CONNOR, *Notary Public for Ontario.*

Exhibit (A).

	Dol. c.	Dol. c.
Value of steam-schooner "Dolphin" at the time of her seizure.		12,000 00
Outfit—		
Groceries	985 68	
Ammunition	240 22	
Dry goods.. .. .	229 30	
Two iron water-tanks	25 00	
Water-casks	55 00	
Ship chandelery	262 03	
Twenty-three shot guns	920 00	
Four rifles.. .. .	90 00	
One bomb-gun for signalling	60 00	
Gun implements and tools	10 50	
Thirteen canoes and outfit	741 00	
One second-hand boat	75 00	
One new boat (returned).		
9 tons salt.. .. .	135 00	
41 tons coal	287 00	
Cooking range and utensils	75 00	
		4,190 73
Insurance—		
Premium on 2,000% insurance on hull	821 40	
Premium on 2,000% insurance on outfit and cargo	514 59	
		1,335 99
Wages paid crew and hunters on voyage up to date of seizure		1,899 50
Fares and expenses of master and mate, and five of crew, from Sitka to Victoria, B. C.		300 00
618 seal-skins on board "Dolphin" when seized, at 5 dol. 50 c. per skin		3,399 00
Total, Exhibit (A)		23,125 22

(Signed) J. D. WARREN.

(Signed) D. O'CONNOR, *Notary Public.*

Exhibit (C).

	Dol.	c.
Legal expenses at Sitka in connection with the seizure and detention of the "Dolphin," and arrest of master and mate	100	00
Counsel and other legal fees and expenses in and about the seizure of the "Dolphin," and the claim arising therefrom	750	00
Personal expenses of the owner in the same connection.. ..	250	00
Total	1,100	00
(Signed)	J. D. WARREN.	
(Signed)	D. O'CONNOR, <i>Notary Public.</i>	

Exhibit (D).—ESTIMATED Loss and Damages to the owner of the "Dolphin" by reason of her Seizure and Detention during A.D. 1887.

	Dol.	c.
Reasonable and probable catch of seal-skins for season 1887	4,500	
Less number on board when seized	618	
Balance, at 5 dol. 50 c. per skin	3,882	= 21,351 00
Reasonable earnings of the "Dolphin" during the months of October, November, and December A.D. 1887, and January A.D. 1888, had she been in owner's possession, viz., four months, at 500 dollars per month	2,000	00
Estimated loss for sealing season of 1888, if "Dolphin" not in possession of owner on or before the 1st February, 1888	7,000	00
Total	30,351	00
(Signed)	J. D. WARREN.	
(Signed)	D. O'CONNOR, <i>Notary Public.</i>	

Exhibit (E).—ESTIMATE of the Principal Sums on which Interest at 7 per cent. per annum is claimed, and the time for which it is so claimed.

	Dol.	c.
Value of the estimated catch of the "Dolphin" for the season of 1887, from the 1st October, 1887, about which time the said catch would have been realized on, viz., 4,500 seal-skins, at 5 dol. 50 c. ..	24,750	00
Cash expenditure for legal and other expenses on account of said seizure prior to the 1st October, 1887	400	00
Total principal on which interest at 7 per cent. per annum is claimed from the 1st October, 1887, to date of payment of claim	25,150	00
(Signed)	J. D. WARREN.	
(Signed)	D. O'CONNOR, <i>Notary Public.</i>	

Exhibit (F).—VALUE of the Articles of the "Dolphin's" Outfit which would have been wholly or almost wholly consumed on a full hunting and sealing voyage.

	Dol.	c.
Groceries	985	68
Ammunition	240	22
Dry goods	229	30
Ship chandlery	262	03
Salt	135	00
Coal	287	00
Wages	1,899	50
Insurance premiums	1,835	99
Total value consumed	5,374	72
(Signed)	J. D. WARREN.	
(Signed)	D. O'CONNOR, <i>Notary Public.</i>	

Memo.

If the full claim for the sealing season of 1887, as set out in Exhibit (D), be allowed, then the amount of this Exhibit, 5,374 dol. 72 c., will properly appear as a credit, and be deducted from the total of Exhibit (A), of which it forms a part.

Inclosure 11 in No. 90.

Declaration of James Douglas Warren.

City of Ottawa, Province of Ontario, Dominion of Canada.

I, JAMES DOUGLAS WARREN, of the city of Victoria, in the Province of British Columbia of the Dominion of Canada, master mariner and ship-owner, do solemnly and sincerely declare as follows :—

1. I am the duly authorized agent, under power of attorney bearing date the 23rd day of November, A.D. 1887, in this behalf of the firm of Gutman and Frank, of the city of Victoria aforesaid, merchants, the said Gutman being owner of the hereinafter-mentioned schooner "Alfred Adams," and his partner, the said Frank, being equally interested with Gutman in the results of the sealing voyage hereinafter referred to.

2. The said schooner "Alfred Adams" is a British vessel of 69 $\frac{3}{4}$ tons, registered at Victoria aforesaid.

3. That on or about the last of May, or early in June, A.D. 1887, the said schooner "Alfred Adams" sailed from the port of Victoria aforesaid, on a full hunting and sealing voyage in the North Pacific Ocean and Behring's Sea. On or for said voyage the crew of the "Alfred Adams" consisted of William H. Dyer, master, a mate, and crew of twenty-four sailors and hunters, and fully equipped and provisioned.

4. That on the 10th day of July, A.D. 1887, the "Alfred Adams" entered Behring's Sea, and continued therein until the 6th day of August following, when, in north latitude 54° 48', and west longitude 167° 49', then being about 62 miles from Ounalaska Island, the nearest land, and lawfully, as I verily believe, pursuing the objects of the said voyage, the "Alfred Adams" was seized by the United States' steam-ship "Richard Rush" for alleged violation of the laws of the United States respecting seal-fishing in the waters of Alaska.

5. That immediately after such seizure the Commander of the "Richard Rush" ordered the seal-skins then on board the "Alfred Adams," and all the firearms and ammunition, and Indian spears on board, to be taken out, and said seal-skins to the number of 1,386, and the firearms, ammunition, and spears, were taken from the said schooner "Alfred Adams," and conveyed to the said United States' steam-ship "Richard Rush." The ship's papers of the "Alfred Adams" were also taken from her by the Commander of the "Richard Rush," and, as I verily believe, the master and mate of the "Alfred Adams" placed under arrest, though not actually imprisoned.

6. Hereto annexed, marked "(A)," is a statement of articles and value thereof, as claimed by the said Gutman and Frank, which were so taken by the "Alfred Adams."

7. That hereto annexed, marked "(B)," is an estimate of the loss claimed by the said Gutman and Frank, as resulting to them by reason of the seizure of the "Alfred Adams," herein set out, and of the legal and personal expenses incurred by reason of said seizure and the claims arising therefrom. The price per skin charged for the estimated catch of the "Alfred Adams" for a full season, namely, 5 dol. 50 c. per skin, was the current market price per skin at Victoria at the close of the sealing season of 1887. The catch of the "Alfred Adams" for said season is estimated from an average catch per canoe of 350 seals, the "Alfred Adams" having on said voyage ten canoes.

8. That hereto annexed, marked "(E)," is a statement of the principal sums on which interest at 7 per cent. per annum is claimed, the rate per cent., and the time from and to which it is so claimed. At the time when the catch of the "Alfred Adams" for the season of 1887 would have been, in the ordinary course of events, realized on, namely, on or about the 1st October, A.D. 1887, the minimum rate of interest on money for commercial purposes at Victoria aforesaid was 7 per cent. per annum.

And I, James Douglas Warren aforesaid, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act respecting Extra-judicial Oaths."

(Signed) J. D. WARREN.

Declared and affirmed before me at the city of Ottawa, in the County of Carleton and Province of Ontario, this 9th day of December, A.D. 1887, and certified under my official seal.

(Signed) D. O'CONNOR, *Notary Public for Ontario.*

Exhibit (A).—STATEMENT of the Articles, and the Value thereof, taken from the Schooner “Alfred Adams” by the United States’ Steam-ship “Richard Rush,” in Behring’s Sea, the 6th August, 1887.

	Dol.	c.
1,386 seal-skins, at 5 dol. 50 c. per skin	7,623	00
Four kegs of powder at 10 dollars	40	00
500 shells	60	00
Three cases caps and primers	60	00
Nine breech-loading shot guns	450	00
One Winchester rifle	25	00
Twelve Indian spears	48	00
Total value taken	8,306	00

(Signed) J. D. WARREN.

(Signed) D. O’CONNOR, *Notary Public.*

Exhibit (B).—Loss to the Owner of the “Alfred Adams” by reason of her being forced to leave Behring’s Sea, and return to Victoria, British Columbia.

	Dol.	c.
Reasonable and probable catch of seals by the “Alfred Adams” for the season of 1887	3,500	
Less number on board when seized, and charged in Exhibit (A)	1,386	
Balance, at 5 dol. 50 c. per skin	2,114	00
Legal expenses in connection with the claims arising from said seizure	300	00
Personal expenses in the same connection	200	00
	500	00
Total	12,127	00

(Signed) J. D. WARREN.

(Signed) D. O’CONNOR, *Notary Public.*

Exhibit (E).—PRINCIPAL Sum on which Interest at 7 per cent. per annum is claimed, and the Time for which it is so claimed.

	Dol.	c.
Value of the probable catch of the “Alfred Adams” for season of 1887, from the 1st October, 1887, on or about which date said catch would have been realized on, viz., 3,500 seal-skins, at 5 dol. 50 c.	19,250	00
Total sum on which interest at 7 per cent. per annum is claimed, from the 1st October, 1887, until time of payment	19,250	00

(Signed) J. D. WARREN.

(Signed) D. O’CONNOR, *Notary Public.*

Inclosure 12 in No. 90.

Declaration of James Douglas Warren.

City of Ottawa, Province of Ontario, Dominion of Canada.

I, JAMES DOUGLAS WARREN, of the city of Victoria, in the Province of British Columbia of the Dominion of Canada, master mariner and ship-owner, do solemnly and sincerely declare as follows:—

1. That I am the duly authorized agent, under power of attorney bearing date the 25th day of November, A.D. 1887, of James J. Gray, of the said city of Victoria, ship-owner, and owner of the hereinafter-mentioned schooner “Ada.”

2. That the said schooner “Ada” is a British vessel of 65 tons, registered at the port of Shanghai, and was, at the time of her seizure hereinafter set out, 5 years old.

3. That on or about the 16th day of June, A.D. 1887, the said schooner “Ada” cleared at the port of Victoria aforesaid, on and for a full hunting and fishing voyage in the North Pacific Ocean and Behring’s Sea. For said voyage the crew of the “Ada”

consisted of James Gaudin, master, a mate, and twenty sailors and hunters, with two sealing-boats and seven canoes, and fully equipped and provisioned for such voyage.

4. The "Ada" entered Behring's Sea on or about the 16th day of July, A.D. 1887, and continued therein lawfully pursuing the objects of her voyage until the 25th day of August then next following, when, while so lawfully pursuing the objects of her voyage in said sea about 15 miles northward from Ounalaska Island, which said island was the nearest land, the said schooner was seized by the United States' steam-ship "Bear," and taken to Illoolook Harbour at said Ounalaska Island, in the United States' Territory of Alaska, and her voyage completely broken up.

5. At the time of said seizure the "Ada" had on board 1,876 seal-skins, which upon arrival at Illoolook Harbour aforesaid were taken from on board the "Ada" and stored on shore, after which, by order of the United States' authorities, the "Ada" was taken to Sitka, in said Territory of Alaska, together with the master, mate, and crew.

6. That the said "Ada" arrived at Sitka on the 6th day of September, A.D. 1887, and on the 9th day of the said month her master and mate were, without being tried for any offence whatever, unconditionally released, but the "Ada" kept at Sitka, where she still remains.

7. That hereto annexed, marked "(A)," is a statement showing the value of the "Ada" at the time of her said seizure, and the value of her outfit on and for said voyage, also of the number and value of the seal-skins taken from the "Ada" when seized, and also of the expenses of the master and mate of the "Ada" in returning from Victoria to Sitka.

8. The value placed on the "Ada" by her said owner at time of seizure, namely, 7,000 dollars, is a fair and reasonable value for the "Ada" when seized. She is a substantially built craft in every respect, and is one of the best sailing-vessels engaged in the sealing trade. The value of the "Ada's" outfit given in said Exhibit, namely, 2,500 dollars, is less than that of any of the other seized vessels from the fact that the "Ada's" hunters were mostly Indians, whose canoes and outfits were returned after such seizure, and said outfit not including wages.

9. The price charged for the seal-skins taken from the "Ada" when seized is the current market price of seal-skins at Victoria at the close of the sealing season of 1887.

10. That the Exhibit (C), hereto annexed, shows the legal and personal expenses incurred by the owner of the "Ada" by reason of the seizure and detention of the said schooner "Ada," and the arrest and detention of the master and mate, and the claims arising therefrom.

11. That Exhibit (D), hereto annexed, is a statement of the estimated loss and damage to the owner of said schooner "Ada" by reason of her said seizure and detention during 1887, and the loss for 1888 if she is detained beyond the 1st February, 1888.

12. The claim of 1,000 seal-skins as the probable additional catch of the "Ada" for the balance of the sealing season, had she not been seized, is a fair and reasonable estimate, and with her actual catch, making a total for the season of 2,876, which, as she carried two boats, seven canoes, and twenty hunters, cannot be considered an excessive estimate.

13. During the months of October, November, December, and January following the close of the sealing season, or the greater part thereof, had the "Ada" been in her owner's possession, she would have been engaged in the general coasting and freighting trade on and about the coasts of British Columbia, and the fair and reasonable earnings of the "Ada" during said months, after deducting from the gross amount thereof the cost of wages and running expenses, would be at least 500 dollars per month.

14. In case the "Ada" be not delivered into her owner's possession at Victoria on or before the 1st day of February, A.D. 1888, it will be impossible to give her the necessary repairs and refitting in time to start out at the usual date, about the 1st March, on a full season's hunting and fishing. As during the summer months there is little coasting and freighting trade in which the "Ada" could be employed, her owner would, in the event of her not being ready in time for a regular hunting and fishing voyage, practically lose the greater part of the season, and the earnings of the "Ada" for such full season, after deducting therefrom the cost of outfit, wages, and other running expenses, would be at least, under circumstances, 6,000 dollars.

15. That hereto annexed, marked "(E)," is a statement of the principal sums on which interest at 7 per cent. is claimed, and the time from and to which it is so claimed. At the close of the sealing season of 1887, when the catch of the "Ada," in the ordinary course of events, would have been realized on, the minimum rate of interest on money for commercial purposes was, has continued to be, and now is, 7 per cent. per annum.

And I, James Douglas Warren aforesaid, make this solemn declaration, conscientiously

believing the same to be true, and by virtue of the "Act respecting Extra-judicial Oaths."

(Signed) J. D. WARREN.

Declared and affirmed before me at the city of Ottawa, in the County of Carleton and Province of Ontario, this 9th day of December, A.D. 1887, and certified under my official seal.

(Signed) D. O'CONNOR, *Notary Public for Ontario.*

Exhibit (A).

	Dol.	c.
Value of the schooner "Ada" at the time of her seizure by the United States' steam-ship "Bear," the 25th August, 1887	7,000	00
Value of "Ada's" outfit at the same time	2,500	00
Value of seal-skins on board at seizure, viz., 1,876 skins, at 5 dol. 50 c. per skin	10,318	00
Passage and expenses of master of "Ada" from Sitka to Victoria	100	00
Total, Exhibit (A)	19,918	00

(Signed) J. D. WARREN.

(Signed) D. O'CONNOR, *Notary Public.*

Exhibit (C).

	Dol.	c.
Legal expenses at Sitka in connection with said seizure	100	00
Counsel and other legal fees and expenses, exclusive of the above, in reference to the seizure and claims arising therefrom	750	00
Personal expenses of the owner in the same connection	250	00
Total.. .. .	1,100	00

(Signed) J. D. WARREN.

(Signed) D. O'CONNOR, *Notary Public.*

Exhibit (D).

	Dol.	c.
Estimated additional catch of seal-skins by schooner "Ada" had she not been seized, viz.: 1,000 skins, at 5 dol. 50 c.	5,500	00
Loss to owner of "Ada" by reason of her detention during the months of October, November, and December A.D. 1887, and January 1888, during which she would have been engaged in the coasting trade, namely, four months, at 500 dollars each	2,000	00
If owner not put in possession of "Ada" on or before the 1st February, 1888, so that she may be fitted out for hunting and fishing voyage of 1888, reasonable and probable profit on season of 1888	6,000	00
Total, Exhibit (D)	13,500	00

(Signed) J. D. WARREN.

(Signed) D. O'CONNOR, *Notary Public.*

Exhibit (E).—PRINCIPAL SUMS on which Interest is claimed at 7 per cent. per annum, and the Time for which it is so claimed.

	Dol.	c.
Value of the probable full catch of "Ada" for season of 1887, viz., 2,876 skins, at 5 dol. 50 c.	15,818	00
Cash outlay prior to the 1st October, 1887	200	00
Total principal on which interest at 7 per cent. per annum is claimed, from the 1st October, 1887, to date of payment	16,018	00

(Signed) J. D. WARREN.

(Signed) D. O'CONNOR, *Notary Public.*

No. 91.

Colonial Office to Foreign Office.—(Received February 3.)

Sir,

Downing Street, February 3, 1888.

WITH reference to previous correspondence respecting the British sealing-vessels seized in Behring's Sea, I am directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, reporting that orders have been issued by the United States Government for the return to their owners of the vessels "Onward," "Thornton," and "Carolina," seized in 1886.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 91.

The Marquis of Lansdowne to Sir H. Holland.

Sir,

Government House, Ottawa, January 19, 1888.

IN reference to my former despatches upon the subject of the seizure of Canadian sealing-vessels during the years 1886-87 by United States' cruizers for fishing in Behring's Sea, I have the honour to report that my Minister of Marine and Fisheries has received from the Customs authorities at Victoria an intimation addressed by the United States' Marshal at Sitka to Mr. Spring, the owner of the "Onward," one of the three vessels seized in 1886, to the effect that that vessel, as well as the "Thornton" and "Carolina," with their tackle, apparel, and furniture, as they now lie in the harbour of Ounalaska, are to be restored to their owners. A copy of this intimation is inclosed herewith.

2. The information received by my Minister is to the effect that the condition of these three vessels, owing to the length of time during which they have been lying on the shore, is now such as to render it questionable whether they could, under present circumstances, be repaired and removed with advantage. The difficulty of doing this would be increased, from the fact that the vessels have been released at a season of the year in which, owing to the great distance between Victoria and Ounalaska, it would be scarcely possible for the owners to fit out steamers for the purpose of going up to Ounalaska to repair their vessels and bring them home.

3. I also inclose herewith copy of an extract from an American newspaper (the name and date of publication are not given), from which it would appear that the District Judge has made an order for the sale of the arms and ammunition taken from the three schooners in question upon the supposed ground that, as the instructions sent by the United States' Government to Sitka for the liberation of the vessels made no mention of the arms and ammunition on board of them, the Court concluded that these should be confiscated and sold. It would seem from the same extract that the remaining vessels held in Alaska are not included in the order sent by the United States' Government for the release of the "Thornton," "Carolina," and "Onward," and are therefore likely to be confiscated and sold with their contents and equipment.

5. I have already dwelt at sufficient length upon the extent of the hardships involved to the crews and the owners of these vessels by the action of the United States' Government, and I will only, upon the present occasion, remind you that another fishing season is approaching, and that, as far as my Government is aware, no declaration has been made by that of the United States in regard to the policy which it intends to adopt during the course of the year which has just commenced.

I have, &c.

(Signed) LANSDOWNE.

Inclosure 2 in No. 91.

*Mr. B. Atkins to Mr. C. Spring.**Office of United States' Marshal, Sitka, District of Alaska,
December 5, 1887.*

Sir,

I TAKE pleasure in informing you and other owners of the schooners seized in the Behring's Sea by United States' steamer "Corwin," that I am in receipt of orders from

Washington to restore to their owners the schooners "Onward," "Thornton," and "Carolina," their tackle, apparel, and furniture, as they now lie in the harbour of Ounalaska.

Orders for their release have been forwarded to their custodian at Ounalaska.

Very respectfully,
(Signed) BARTON ATKINS, *United States' Marshal,*
District of Alaska.

Inclosure 3 in No. 91.

Extract from American Newspaper (name and date unknown).

ALASKA NEWS.—Judge Dawson has made an order for the sale, at Juneau, of the arms and ammunition taken from the British schooners "Thornton," "Carolina," and "Onward," captured last year by the "Corwin." Attorney-General Garland sent instructions to Sitka to have the three vessels liberated, but, as he made no mention of the arms and ammunition, the Court concluded that they must be sold, and gave directions accordingly.

The Marshal has further been authorized to sell the schooner "W. P. Sayward" (British), and the "Alpha," "Kate," and "Anna," and "Sylvia Handy" (American), together with their boats, tackle, and furniture. By stipulation entered into last September between Mr. Delaney, acting for the United States, and Mr. Drake, Q.C., representing the Canadian Government, the remaining British schooners cannot be sold until the expiration of three months from the 11th January next, and then only by the District Attorney giving the owners ninety days' notice.

Application granted:—

In the cases of the schooners "Lily L.," "W. P. Sayward," "Annie," "Allie J. Alger," "Alpha," "Kate and Anna," and "Sylvia Handy," an application made by Attorney W. Clark, counsel for the owners, for leave to appeal to the Supreme Court of the United States, was granted.

A motion presented by the same attorney for a stay of proceedings for three months in the cases of the "W. P. Sayward," "Alpha," "Kate and Anna," and "Sylvia Handy," was refused by the Court, on the ground that the owners had ample time in which to prepare for their appeals, and it was entirely their own fault if they had not done so.

No. 92.

Colonial Office to Foreign Office.—(Received February 13.)

(Extract.) *Downing Street, February 13, 1888.*

WITH reference to previous correspondence respecting the claims of British subjects against the Government of the United States arising out of the seizure of or interference with certain sealing vessels in the Behring's Sea, I am directed by Secretary Sir Henry Holland to transmit to you, to be laid before Lord Salisbury, copies of two further despatches from the Governor-General relating to further claims in the cases of the vessels "Thornton," "Carolina," and "Onward," and of the vessels "Dolphin," "W. P. Sayward," "Anna Beck," "Grace," and "Ada."

Inclosuré 1 in No. 92.

The Marquis of Lansdowne to Sir H. Holland.

Sir, *Government House, Ottawa, January 20, 1888.*

WITH reference to my despatches of the 2nd and 23rd December last, transmitting revised statements of the claims of the owners of the "Thornton," "Carolina," and "Onward," seized in Behring's Sea during the season of 1886 by the United States' Revenue cutter "Corwin," I have the honour to forward herewith, for presentation to the United States' Government, a copy of an approved Report of a Committee of the Privy Council, submitting a revised statement of the claims of the masters and mates of the above-mentioned vessels.

My Minister of Marine and Fisheries considers that these revised claims are just

and reasonable, and expresses the hope that prompt reparation may be made to those persons for the sufferings and losses they have sustained.

I have, &c.
(Signed) **LANSDOWNE.**

Inclosure 2 in No. 92.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council, January 12, 1888.

ON a Report dated 5th January, 1888, from the Minister of Marine and Fisheries, stating, with reference to the Minute of Council of the 3rd January, 1887, transmitting claims of the owners, masters, and mates of the sealing-schooners "Thornton," "Carolina," and "Onward," which were seized in the Behring's Sea in August, 1886, by the United States' revenue-cutter "Corwin," and the despatch from the Secretary of State for the Colonies, dated 14th September, 1887, returning these for revision, as well as to the Minutes of Council of the 29th November and 20th December, 1887, transmitting the revised claims of the schooners "Thornton" and "Carolina" and of the "Onward" respectively, so far as the owners are concerned, that, the personal claims for illegal arrest and imprisonment of the masters and mates of the above-mentioned vessels having been referred back to the parties interested, they have consented to accept a reduction of one-half the original claim as submitted :

They would therefore be as follows :—

Schooner "Thornton"—									Dol.	c.
Hans Guttermesen, master	..	..	..	..	..	..	..	..	4,000	00
Henry Norman, mate	..	..	..	..	..	..	..	..	2,500	00
Schooner "Carolina"—										
James Ogilvie, master	..	..	..	..	..	..	..	..	2,500	00
James Black, mate	..	..	..	..	..	..	..	..	2,500	00
Schooner "Onward"—										
Daniel Munroe, master	..	..	..	..	..	..	..	..	4,000	00
John Margotich, mate	..	..	..	..	..	..	..	..	2,500	00

The Minister, believing these revised claims to be just and reasonable, recommends that they be forwarded for presentation to the United States' Government, and expresses the hope that prompt reparation may be made to those persons for the sufferings and losses they have sustained.

The Committee advise that your Excellency be moved to forward the claims herein mentioned to the Right Honourable the Secretary of State for the Colonies, for transmission to the United States' Government.

All which is respectfully submitted for your Excellency's approval.

(Signed) **JOHN J. MCGEE, Clerk, Privy Council.**

Inclosure 3 in No. 92.

The Marquis of Lansdowne to Sir H. Holland.

Sir,

Government House, Ottawa, January 18, 1888.

WITH reference to my despatch of the 5th instant, transmitting detailed statements of the claims of the owners and agents of the Canadian sealing-vessels seized in Behring's Sea during the past season, I have the honour to forward herewith a copy of an approved Report of the Committee of the Privy Council, submitting the personal claims of the masters and mates of the "Dolphin," "W. P. Sayward," "Anna Beck," "Grace," and "Ada."

My Minister of Marine and Fisheries is of opinion that the claims submitted are just and reasonable, and recommends that they be presented to the United States' Government with the hope that prompt reparation may be made to these persons for the sufferings and losses they have sustained.

I have, &c.
(Signed) **LANSDOWNE.**

Inclosure 4 in No. 92.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, January 12, 1888.

ON a Report, dated the 29th December, 1887, from the Minister of Marine and Fisheries, submitting, in connection with the seizures of Canadian sealing-vessels in Behring's Sea during the seasons of 1886 and 1887, the personal claims of the following masters and mates of the seized vessels:—

Schooner "Dolphin"—	Dol.	c.
Warren, captain ..	2,635	00
John Reilly, mate..	1,000	00
Schooner "W. P. Sayward"—		
Geo. R. Ferey, captain ..	2,000	00
A. D. Laing, mate ..	1,000	00
Schooner "Anna Beck"—		
Louis Olsen, captain ..	2,000	00
Michael Keefe, mate ..	1,000	00
Schooner "Grace"—		
Wm. Petit, captain ..	2,000	00
Schooner "Ada"—		
Charles A. Lundberg, mate ..	2,000	00

The Minister believes that these claims are just and reasonable, and recommends that they be forwarded to Her Majesty's Government for presentation to the Government of the United States, and he expresses the hope that prompt reparation may be made to these persons for the sufferings and losses they have sustained.

The Committee advise that your Excellency be moved to forward the claims herein mentioned to the Right Honourable the Secretary of State for the Colonies, for transmission to the United States' Government.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEЕ, Clerk, Privy Council.

Declaration.

City of Ottawa, Province of Ontario, Dominion of Canada.

I, James Douglas Warren, of the city of Victoria, in the Province of British Columbia of the Dominion of Canada, master mariner and ship-owner, do solemnly and sincerely declare as follows:—

1. That I was master of the British steam-schooner "Dolphin," of Victoria aforesaid, on the 12th day of July, A.D. 1887, the said schooner on that day being in that part of the North Pacific Ocean called Behring's Sea, lawfully engaged in seal-fishing.

2. That on the said 12th day of July, A.D. 1887, the said steam-schooner "Dolphin" was seized by the United States' steam-ship "Richard Rush," and I was made a prisoner and taken on board of the said steam-ship "Richard Rush" with the ship's papers of the said "Dolphin."

3. That shortly afterwards on the same day I was sent back on board the "Dolphin," which, in command of an officer from the said "Richard Rush," was taken to Ounalaska Island, in the United States' territory of Alaska, from which place a few days after I was sent—with the said steam-schooner "Dolphin," in command of an officer from the said "Richard Rush"—to Sitka, in the said territory of Alaska. On arrival at Sitka I was handed over to the United States' Marshal of the territory of Alaska, in whose custody I remained from the 1st day of August, A.D. 1887, until the 16th day of August instant, when I was taken before the United States' District Court at Sitka, formally charged with having violated the laws of the United States relating to seal fishing in the waters of Alaska, and upon my own recognizance of 500 dollars released to appear for trial on said charge on the 22nd day of August then instant, and to appear from day to day thereafter until I should be so tried. I did so appear on the days so ordered until the 9th day of September following, when, without so being tried on said charge, or any other charge or offence whatever, I was unconditionally released by order of the Judge of said Court, and for the said illegal arrest and imprisonment I claimed as damages the sum of 2,000 dollars.

4. That at the same time I was arrested, as aforesaid, one John Reilly was mate of the said steam-schooner "Dolphin," and I am the duly authorized agent in this behalf of the said John Reilly, mate of the said "Dolphin."

5. The said John Reilly was arrested, taken to Ounalaska, thence to Sitka, delivered

to the custody of the United States' Marshal of Alaska, arraigned, allowed bail, and finally released at the same place, time, and manner in which I was, as set out in the declaration, and the said John Reilly, by me, his duly authorized agent in this behalf, claims \$2,000 dollars as damages for said illegal arrest and detention.

6. That after arrival of said steam-schooner "Dolphin" at Ounalaska aforesaid, after her seizure, I agreed with the Commander of the said "Richard Rush" to navigate the said "Dolphin" from Ounalaska to Sitka, for which purpose I engaged the crew on board the "Dolphin" after seizure, agreeing to pay them their ordinary wages therefor. I did not navigate the said "Dolphin" from Ounalaska to Sitka with the said crew, but I have never been paid therefor, nor have the said crew been paid the wages promised and agreed to be paid them therefor. The said trip from Ounalaska to Sitka took about fifteen days, and the amount due me for said services for myself and crew amount to 160 dollars, which said sum I hereby claim as justly due me for such services.

7. That at the time I agreed with the said Commander of the "Richard Rush" to navigate the said "Dolphin" from Ounalaska to Sitka I also agreed to furnish officers and crews to navigate the screw-schooners "Grace" and "Anna Beck" from Ounalaska to Sitka. I did so provide for their navigation from and to said places, and agreed to pay their said officers and crew ordinary wages for their services in so doing. The "Grace" and "Anna Beck" were so taken from Ounalaska to Sitka; the voyage took about fifteen days, and the amount due to master and mates and crew therefore 160 dollars for each of the said vessels "Grace" and "Anna Beck," and I claim therefore 320 dollars for said services. I also claim 155 dollars for similar services in navigating the schooner "W. P. Sayward," by her master and crew, from Ounalaska to Sitka. The said schooner "W. P. Sayward" and steam-schooners "Grace," "Dolphin," and "Anna Beck" are still at Sitka, and are about one-half the distance from Victoria they were when at Ounalaska, and can be got at any time of the year, while, had they remained at Ounalaska, they could only have been reached during the summer months, and then at a cost two or three times as great as now.

8. That I am the duly authorized agent of the owner of and manager of the said schooner "W. P. Sayward" and of the said steam-schooners "Grace," "Dolphin," and "Anna Beck."

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Act respecting extra-judicial oaths.

(Signed)

J. D. WARREN.

Declared and affirmed before me at the city of Ottawa, in the County of Carleton Province of Ontario, this 9th day of December A.D. 1887, and certified under my official seal.

(Signed)

D. O'CONNOR, *Notary Public for Ontario.*

Exhibit (A.)

	Dol.	c.
James D. Warren's claim for illegal arrest	2,000	00
John Reilly's claim for illegal arrest	1,000	00
James D. Warren's claim for navigating steam-schooner "Dolphin" from Ounalaska to Sitka	160	00
James D. Warren's claim for navigating steam-schooners "Grace" and "Anna Beck"	320	00
James D. Warren's claim for navigating steam-schooner "W. P. Sayward"	155	00
Total	3,635	00

(Signed)

J. D. WARREN.

(Signed)

D. O'CONNOR, *Notary Public.*

Damages claimed by George R. Ferey, Master of the schooner "W. P. Sayward," for illegal arrest and detention on board the United States' steam-ship "Rush," and at Sitka, from July 9 to September 10, 1887.

British Columbia, to wit.

I, GEORGE R. FERREY, of Victoria, in the Province of British Columbia, Dominion of Canada, master mariner, and master of the schooner "W. P. Sayward," solemnly and sincerely declare as follows:—

1. That I was on the 9th July, 1887, master of the schooner "W. P. Sayward"; at that date the said schooner was in the Behring's Sea.

2. That on the said 9th July the said schooner "W. P. Sayward" was seized by the United States' steam-ship "Rush," and I was made a prisoner and taken on board the said steam-ship "Rush" with the papers of the said schooner "W. P. Sayward."

3. The Captain of the said steam-ship "Rush" told me I was in his charge, and must obey his orders; he sent me back to the said schooner "W. P. Sayward," made her fast to the "Rush," and towed her to Ounalaska, from which place we were distant at time of said seizure about 80 miles.

4. When I arrived at Ounalaska aforesaid I was given into the charge of a Deputy United States' Marshal, and next day I, in the said schooner "W. P. Sayward," in charge of a Deputy Marshal, was sent on my way to Sitka, where I arrived on the 22nd July, and was there delivered into the custody of the United States Marshal.

5. That on the 23rd July I was brought before Judge Dawson, the Judge of the District Court at Sitka, and placed under bond of 500 dollars to appear before the said District Court on the 22nd August, 1887. I had to remain at Sitka from the said 23rd July, and on the 22nd August, 1887, I appeared before the said District Court, and so on from day to day until the 10th September, when Judge Dawson aforesaid discharged me, stating he had received instructions from Washington to release all parties connected with the seized sealers.

6. I claim as damages for my said illegal arrest and detention the sum of 2,000 dollars.

7. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Oaths Ordinance, 1869."

(Signed) GEORGE R. FEREY.

Declared before me at Victoria, this 2nd November, 1887, in pursuance of the Oaths Ordinance, 1869.

(Signed) CHAS. E. POOLEY, *Notary Public,*
Victoria, British Columbia.

Declaration.

City of Ottawa, Province of Ontario, Dominion of Canada.

I, James Douglas Warren, of the city of Victoria, in the Province of British Columbia, of the Dominion of Canada, master mariner and ship-owner, do solemnly and sincerely declare as follows:—

1. That I am the duly authorized agent in this behalf of Andrew D. Laing, of the city of Victoria aforesaid, mate and partner of the British schooner "W. P. Sayward," as the time of her seizure as stated herein.

2. That on the 9th July, A.D. 1887, the said schooner "W. P. Sayward," while in Behring's Sea, in north latitude 54° 43', and west longitude 167° 51', and lawfully engaged in sealing, she was seized by the United States' steam-ship "Richard Rush," and the said Andrew D. Laing, mate of the said schooner "W. P. Sayward," was then placed under arrest by an officer of and from the said "Richard Rush."

3. That, by authority of the Commander of the said "Richard Rush," the said mate was taken first to Ounalaska Island, in the United States' Territory of Alaska, and thence to Sitka, in said Territory of Alaska, and there arraigned for trial on the 22nd August, 1887, being admitted to bail in the meantime. The said Andrew D. Laing pleaded "not guilty" to the charge preferred against him, namely, that of violating the laws of the United States respecting seal fishing in the waters of Alaska, and appeared on the said 22nd August for trial, and from day to day thereafter until the 9th September following, when without having been tried on said charge, or for any offence whatever, he was unconditionally released.

4. And the said Andrew D. Laing, by me, his duly authorized agent in this behalf, claims 1,000 dollars as damages for such illegal arrest.

And I, James Douglas Warren aforesaid, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act respecting extra-judicial oaths."

(Signed) J. D. WARREN.

Declared and affirmed before me, at the city of Ottawa, in the county of Carleton and Province of Ontario, this 9th December, 1887, and certified under my official seal.

(Signed) J. M. BALDERSON, *Notary Public for Ontario.*

Declaration.

City of Ottawa, Province of Ontario, Dominion of Canada.

I, James Douglas Warren, of the city of Victoria, in the Province of British Columbia, of the Dominion of Canada, do solemnly and sincerely declare as follows:—

1. That I am the duly authorized agent of Louis Olsen, of the said city of Victoria, in this behalf, master mariner, and master of the steam-schooner "Anna Beck" at the time hereinafter mentioned.

2. That on the 2nd July, A.D. 1887, the said "Anna Beck," while in Behring's Sea in north latitude $54^{\circ} 58'$ and west longitude $167^{\circ} 26'$, and lawfully engaged in seal fishing, was seized by the United States' steam-ship "Richard Rush," and the said Louis Olsen, as master thereof, made prisoner by an officer of and from said steam-ship "Richard Rush."

3. An armed crew from the said "Richard Rush" took charge of the said "Anna Beck," and took her and her crew to Ounalaska, in the Territory of Alaska. The said Louis Olsen was kept in custody at Ounalaska until the 5th day of said July, when he was sent as a prisoner to Sitka, in the said Territory of Alaska, on board the American schooner "Challenge," in charge of an officer from the said "Richard Rush."

4. After his arrival at Sitka the said master of the "Anna Beck" was arraigned before a Judge of the District Court on a charge of having violated the laws of the United States respecting seal fishing in the waters of Alaska.

He pleaded "not guilty" to said charge, and was ordered to appear for trial on the 22nd day of August then instant, and thereafter from day to day until so tried, in the meantime being allowed out on bail on his own recognizance for 500 dollars. He so appeared for trial on the said 22nd day of August, and day by day thereafter, until the 9th day of September following, when, without being so tried on said charge or any other charge whatever, he was unconditionally released, and the said Louis Olsen, by me, his agent in his behalf, claims 2,000 dollars as damages for such illegal arrest and detention.

And I, James Douglas Warren aforesaid, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act respecting extra-judicial oaths."

(Signed) J. D. WARREN.

Declared and affirmed before me, at the city of Ottawa, in the county of Carleton, this 9th day of December, A.D. 1887, and certified under my official seal.

(Signed) J. M. BALDERSON, *Notary Public for Ontario.*

Sir,

Langley Street, Victoria, B.C., November 30, 1887.

We have the honour to forward herewith the claim of Mr. Michael Keefe against the American Government for damages for illegal arrest and detention by the American steam-ship "Rush" while he was acting as mate of the steam-vessel "Anna Beck."

We have, &c.

(Signed) DAVIE AND POOLEY, *Barristers, &c.*

The Hon. the Minister of Marine and Fisheries,
Ottawa.

Damages claimed by Michael Keefe, Mate of the Steam-vessel "Anna Beck," for illegal arrest and detention by the United States' Steam-ship "Rush," and at Sitka, from July 20 to September 10, 1887.

British Columbia, to wit.

I, Michael Keefe, of Victoria, in the province of British Columbia, master mariner, and chief mate of the steam-vessel "Anna Beck," solemnly and sincerely declare as follows:—

1. That I was on the 2nd day of July 1887 chief mate of the steam-vessel "Anna Beck;" at that date the said steam-vessel was in the Behring's Sea engaged in seal-fishing.

2. That on the said 2nd day of July the said steam-vessel "Anna Beck" was seized by the United States' steam-ship "Rush," and I was made a prisoner and taken on board the said steam-ship "Anna Beck," in charge of an armed crew from the said steam-ship "Rush," to Ounalaska, where we arrived on the 3rd day of July 1887.

3. At the time of the said seizure the said steam-vessel "Anna Beck" was 73 miles from the nearest land.

4. When we arrived at Ounalaska we were kept in custody by the said steam-ship "Rush" until the 5th day of July, when I and the rest of the crew of the said steam-vessel "Anna Beck" were transferred to the American schooner "Challenge," and were sent to

Sitka, Alaska, in charge of a quartermaster from the said steam-ship "Rush," where we arrived on the 20th day of July 1887.

5. On the 22nd day of July I was taken before Judge Dawson, of the United States' District Court, by the United States' Marshal, and was charged with taking seals illegally in Alaskan waters. I pleaded "not guilty" to the charge, and I was released on my own bond of 500 dollars to appear when called upon after the arrival of the "Rush," which was expected to arrive in August.

6. On the 27th day of July I appeared before the said Judge Dawson and told him I had no means of supporting myself, and he then handed me over to the custody of the United States' Marshal, in whose custody I remained until the 10th day of September, 1887, when the said Judge Dawson sent for me to court, when he released me, stating he had received a telegram from Washington instructing him to release all parties connected with the seized vessels.

7. I claim as damages for my said illegal arrest and detention the sum of 1,000 dollars.

8. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Oaths Ordinance, 1869."

(Signed) MICHAEL KEEFE.

Declared before me at Victoria, British Columbia, this 16th day of November, 1887, in pursuance of the "Oaths Ordinance, 1869."

(Signed) CHAS. E. POOLEY, *Notary Public.*

Damages claimed by William Petit, Master of the Steam-vessel "Grace," for illegal arrest and detention on board the United States' Steam-ship "Rush," and at Sitka, from July 17 to September 10, 1887.

British Columbia, to wit.

I, William Petit, of Victoria, in the Province of British Columbia, master mariner, and master of the steam-vessel "Grace," solemnly and sincerely declare as follows:—

1. That I was the master of the steam-vessel "Grace" on the 17th day of July, 1887; the said vessel was at that date in the Behring's Sea, engaged in seal-fishing.

2. That on the said 17th day of July the said steam-vessel "Grace" was seized by the United States' steam-ship "Rush," and I was made a prisoner and taken on board the said steam-ship "Rush" with the papers of the said steam-vessel "Grace."

3. That I was again sent back to my said steam-vessel "Grace," and an officer and two men from the said steam-ship "Rush" were placed in charge of her; and the said steam-vessel "Grace" was taken in tow by the said steam-ship "Rush," and brought into Ounalaska, which place at the time of seizure was 93 miles distant.

4. From Ounalaska aforesaid I was taken down to Sitka in my said steam-vessel "Grace," in charge of a Deputy United States' Marshal; and when I arrived at Sitka, on the 1st day of August, 1887, I was handed over to the custody of the United States' Marshal.

5. That I remained in the custody of the said United States' Marshal at Sitka until the 17th day of August, when I was arraigned before the District Court, and was remanded on my own bail of 500 dollars until the 21st day of August; and I appeared before the said Court on the said 21st day of August, and thence on from day to day until the 10th day of September, 1887, when Judge Dawson, the Judge of the said District Court, discharged me, stating he had instructions from Washington to release all parties connected with the seized sealers.

6. And for the said illegal arrest and detention I claim as damages the sum of 2,000 dollars.

7. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of "The Oaths Ordinance, 1869."

(Signed) WILLIAM PETIT.

Declared before me, at Victoria, this 2nd day of November, 1887, in pursuance of "The Oaths Ordinance, 1869."

(Signed) CHAS. E. POOLEY, *Notary Public,*
Victoria, British Columbia.

Damages claimed by Charles August Lundberg, Chief Mate of the British Schooner "Ada," for illegal arrest and detention by the United States' Revenue Cutter "Bear," and by the United States' Marshal at Sitka, from August 25 to October 4, 1887.

British Columbia, to wit.

I, Charles August Lundberg, of Victoria, British Columbia, do solemnly and sincerely declare :—

1. That I sailed from the city of Victoria, as chief mate of the British schooner "Ada," on the 17th day of June, 1887, on a sealing voyage to the Behring's Sea.

2. That on the 25th day of August, 1887, in the Behring's Sea, and while engaged in the lawful business of the said voyage, the schooner "Ada" was seized and taken possession of by the United States' revenue-cutter "Bear." The officers of the said cutter placed a crew on board of the said schooner, and towed her to Ounalaska.

3. At Ounalaska our cargo of seal-skins was taken out of the said schooner against the protest of the captain, and before our having a hearing before any legal Tribunal. I was then forced to go on the seized schooner, in charge of a United States' Deputy-Marshal, to Sitka, for trial, arriving at Sitka on the 5th day of September, 1887.

4. Upon arrival at Sitka the schooner was handed over to the United States' Marshal, and I was kept on board the vessel until the 9th day of the same month, when I was released.

5. I was without means or provisions, and nothing was done towards enabling me to return to my home until the 25th September, 1887, when I was sent on board the United States' revenue-cutter "Rush," and taken to Victoria, where I arrived on the 4th day of October, 1887.

6. For my damages, by reason of my illegal arrest and detention as aforesaid, I claim the sum of 2,000 dollars.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of "The Oaths Ordinance, 1869."

(Signed) C. A. LUNDBERG.

Declared at Victoria, British Columbia, this 9th day of November, A.D. 1887, before me,

(Signed) THORNTON FELL, *Notary Public,*
Victoria, British Columbia.

No. 93.

Mr. Phelps to the Marquis of Salisbury.—(Received February 18.)

My Lord, *Legation of the United States, London, February 17, 1888.*

I HAVE the honour to inclose a printed copy of an important note relative to the Alaska seal fisheries which I have just received from my Government. It has reference to the proposal for some International Regulations at those fisheries which I had the honour to submit in general terms to your Lordship in a personal interview on the 17th November last, and which I then promised to ask my Government to state more precisely.

As the matter is one that, as it appears to the United States' Government, should be dealt with immediately, and in which I presume both Governments will readily concur, I shall be glad of the honour of an interview with your Lordship at as early a day next week as may be convenient and agreeable to you, when the proposed restrictions and the method of carrying them into effect can be considered.

I have, &c.
(Signed) E. J. PHELPS.

Inclosure 1 in No. 93.

Mr. Bayard to Mr. Phelps.

Sir, *Department of State, Washington, February 7, 1888.*

I HAVE received your despatch of the 12th November last, containing an account of your interview with Lord Salisbury of the preceding day, in which his Lordship expressed acquiescence in my proposal of an agreement between the United States and Great Britain

in regard to the adoption of concurrent regulations for the preservation of fur seals in Behring's Sea from extermination by destruction at improper seasons and by improper methods by the citizens of either country.

In response to his Lordship's suggestion that this Government submit a sketch of a system of regulations for the purpose indicated, it may be expedient, before making a definite proposition, to describe some of the conditions of seal life. And for this purpose it is believed that a concise statement as to that part of the life of the seal which is spent in Behring's Sea will be sufficient.

All those who have made a study of the seals in Behring's Sea are agreed that, on an average, from five to six months—that is to say, from the middle or towards the end of spring till the middle or end of October—are spent by them in those waters in breeding and in rearing their young. During this time they have their rookeries on the Islands of St. Paul and St. George, which constitute the Pribyloff group and belong to the United States, and on the Commander Islands, which belong to Russia. But the number of animals resorting to the latter group is small in comparison with that resorting to the former. The rest of the year they are supposed to spend in the open sea south of the Aleutian Islands.

Their migration northward, which has been stated as taking place during the spring and till the middle of June, is made through the numerous passes in the long chain of the Aleutian Islands; above which the courses of their travel converge chiefly to the Pribyloff group. During this migration the female seals are so advanced in pregnancy that they generally give birth to their young, which are commonly called pups, within two weeks after reaching the rookeries. Between the time of the birth of the pups and of the emigration of the seals from the islands in the autumn the females are occupied in suckling their young; and by far the largest part of the seals found at a distance from the islands in Behring's Sea during the summer and early autumn are females in search of food, which is made doubly necessary to enable them to suckle their young as well as to support a condition of renewed pregnancy, which begins in a week or a little more after their delivery.

The male seals, or bulls, as they are commonly called, require little food while on the islands, where they remain guarding their harems, watching the rookeries, and sustaining existence on the large amount of blubber which they have secreted beneath their skins and which is gradually absorbed during the five or six succeeding months.

Moreover it is impossible to distinguish the male from the female seals in the water, or pregnant females from those that are not so. When the animals are killed in the water with firearms many sink at once and are never recovered, and some authorities state that not more than one out of three of those so slaughtered is ever secured. This may, however, be an over-estimate of the number lost.

It is thus apparent that to permit the destruction of the seals by the use of firearms, nets, or other mischievous means in Behring's Sea would result in the speedy extermination of the race. There appears to be no difference of opinion on this subject among experts. And the fact is so clearly and forcibly stated in the Report of the Inspector of Fisheries for British Columbia of the 31st of December, 1886, that I will quote therefrom the following pertinent passage:—

"There were killed this year, so far, from 40,000 to 50,000 fur seals which have been taken by schooners from San Francisco and Victoria. The greater number were killed in Behring's Sea, and were nearly all cows or female seals. This enormous catch, with the increase which will take place when the vessels fitting up every year are ready, will, I am afraid, soon deplete our fur seal fishery, and it is a great pity that such a valuable industry could not in some way be protected."

[Report of Thomas Mowat, Inspector of Fisheries for British Columbia; Sessional Papers, Vol. 15, No. 16, p. 268; Ottawa, 1887.]

The only way of obviating the lamentable result above predicted appears to be by the United States, Great Britain, and other interested Powers taking concerted action to prevent their citizens or subjects from killing fur seals with firearms, or other destructive weapons, north of 50° of north latitude, and between 160° of longitude west and 170° of longitude east from Greenwich, during the period intervening between 15th April and 1st November. To prevent the killing within a marine belt of forty or fifty miles from the Islands during that period would be ineffectual as a preservative measure. This would clearly be so during the approach of the seals to the Islands. And after their arrival there such a limit of protection would also be insufficient; since the rapid progress of the seals through the water enables them to go great distances from the islands in so short a time that it has been calculated that an ordinary seal could go to the Aleutian Islands and back, in all a distance of 360 or 400 miles, in less than a day.

On the Pribyloff Islands themselves, where the killing is at present under the direction

of the Alaska Commercial Company, which by the terms of its contract is not permitted to take over 100,000 skins a year, no females, pups, or old bulls are ever killed, and thus the breeding of the animals is not interfered with. The old bulls are the first to reach the islands, where they await the coming of the females. As the young bulls arrive they are driven away by the old bulls to the sandy part of the islands, by themselves. And these are the animals that are driven inland and there killed by clubbing, so that the skins are no perforated and discrimination is exercised in each case.

That the extermination of the fur seals must soon take place unless they are protected from destruction in Behring's Sea is shown by the fate of the animal in other parts of the world, in the absence of concerted action among the nations interested for its preservation. Formerly many thousands of seals were obtained annually from the South Pacific Islands, and from the coasts of Chili and South Africa. They were also common in the Falkland Islands and the adjacent seas. But in those islands, where hundreds of thousands of skins were formerly obtained, there have been taken, according to best statistics, since 1880, less than 1,500 skins. In some places the indiscriminate slaughter, especially by use of fire-arms, has in a few years resulted in completely breaking up extensive rookeries.

At the present time it is estimated that out of an aggregate yearly yield of 185,000 seals from all parts of the globe over 130,000, or more than two-thirds, are obtained from the rookeries on the American and Russian islands in Behring's Sea. Of the remainder, the larger part are taken in Behring's Sea, although such taking, at least on such a scale, in that quarter is a comparatively recent thing. But if the killing of the fur seal there with fire-arms, nets, and other destructive implements were permitted, hunters would abandon other exhausted places of pursuit for the more productive field of Behring's Sea, where extermination of this valuable animal would also rapidly ensue.

It is manifestly for the interests of all nations that so deplorable a thing should not be allowed to occur. As has already been stated, on the Pribyloff Islands this Government strictly limits the number of seals that may be killed under its own lease to an American Company; and citizens of the United States have, during the past year, been arrested, and ten American vessels seized for killing fur seals in Behring's Sea.

England, however, has an especially great interest in this matter, in addition to that which she must feel in preventing the extermination of an animal which contributes so much to the gain and comfort of her people. Nearly all undressed fur seal skins are sent to London, where they are dressed and dyed for the market, and where many of them are sold. It is stated that at least 10,000 people in that city find profitable employment in this work; far more than the total number of people engaged in hunting the fur seal in every part of the world. At the Pribyloff Islands it is believed that there are not more than 400 persons so engaged; at Commander Islands, not more than 300; in the north-west coast fishery, not more than 525 Indian hunters and 100 whites; and in the Cape Horn fishery not more than 400 persons, of whom perhaps 300 are Chileans. Great Britain, therefore, in co-operating with the United States to prevent the destruction of fur seals in Behring's Sea, would also be perpetuating an extensive and valuable industry in which her own citizens have the most lucrative share.

I inclose for your information copy of a Memorandum on the fur seal fisheries of the world prepared by Mr. A. Howard Clark, in response to a request made by this Department to the United States' Fish Commissioner. I inclose also, for your further information, copy of a letter to me dated the 3rd December last, from Mr. Henry W. Elliott, who has spent much time in Alaska, engaged in the study of seal life, upon which he is well known as an authority. I desire to call your special attention to what is said by Mr. Elliott in respect to the new method of catching the seals with nets.

As the subject of this despatch is one of great importance and of immediate urgency, I will ask that you give it as early attention as possible.

I am, &c.
(Signed) T. F. BAYARD.

Inclosure 2 in No. 93.

Review of the Fur Seal Fisheries of the World in 1887, by A. Howard Clark.

IN the "Encyclopædia Britannica," ninth edition, the fur seal fisheries are credited with an annual yield of 185,000 skins, of which 100,000 are said to be obtained from the Pribyloff Islands, 30,000 from the Commander Islands, 15,000 from the Straits of Juan de Fuca and vicinity, 12,000 from the Lobos Islands, 15,000 from Patagonia and outlying islands, 500 from the Falkland Islands, 10,000 from the Cape of Good Hope and places thereabout, and 2,500 from islands belonging to Japan.

The above statistics were communicated by me to the author of the article "Seal

Fisheries" in the "Encyclopædia," and had been carefully verified by the latest official records and by a personal interview with Messrs. C. M. Lampson and Co., of London, one of the principal fur houses of the world, and by whom most of the annual production of fur seal-skins are placed upon the market.

A review of the subject at this time (January 1888) necessitates but a slight change in the annual production and in the apportionment to the several fisheries. Some of the fisheries have increased, while others have decreased. Taking the average annual yield from 1880 to date, I find that the total production is now 192,457 skins, obtained as follows:—

ANNUAL Yield of Fur Seal Fisheries.

						Number of Fur Seal Skins.
Pribyloff Islands, Behring's Sea	..	..	..	..	..	94,967
Commander Islands and Robben Reef	..	..	..	..	..	41,893
Islands belonging to Japan	..	..	..	..	..	4,000
British and American sealing fleets on north-west coast of America (including catch at Cape Flattery and Behring's Sea)	..	..	..	..	..	25,000
Lobos Islands at mouth of Rio de la Plata	..	..	..	..	..	12,385
Cape of Good Hope (including islands in Southern Indian Ocean)	..	..	..	..	..	5,500
Cape Horn region	..	..	..	..	..	8,162
Falkland Islands	..	..	..	..	..	550
Total	..	..	..	..	..	192,457

The Statistics for the Pribyloff and Commander Islands are compiled from Reports of the Alaska Commercial Company, Mr. Elliott's Reports in Vol. viii, 10th Census, and in Section 5, United States' Fish Commission Report, and Trade Reports of annual sales in London ("Fur Trade Review," published monthly at No. 11, Bond Street, New York). The north-west coast statistics are from the annual Reports of the Department of Fisheries of Canada, and from Mr. Swan's Report in Section 5, vol. ii, of the quarto report of the United States' Fish Commission. For Japan, Lobos Islands, Cape of Good Hope, and Falkland Islands the statistics are from the "Annual Statements of the Trade of the United Kingdom with Foreign Countries and British Possessions as presented to Parliament." Statistics for Cape Horn region are from sealing merchants of Stonington and New London, Connecticut.

The details of the fisheries for a series of years are shown in the following Table.

(As to the number of persons employed, it is not possible to give details in all cases. At Pribyloff Islands, in 1880, there were 372 Aleuts and 18 whites. At Commander Islands there are about 300 persons. In the North-west coast fishery 523 Indian hunters and 100 whites, and in the Cape Horn fishery about 400 whites, of whom, perhaps, 300 are Chileans.)

NUMBER of Fur Seal Skins from Principal Fisheries: 1871 to 1887.

(Compiled from official sources by A. H. Clark. No returns for spaces blank.)

Year.	Pribyloff Islands.	Commander Islands and Robben Reef.	North-west Coast of America.	Japan.	Falkland Islands.	Cape Horn.	Lobos Islands.	Cape of Good Hope.
1871 ..	63,000	3,614		Annual average estimated at 4,000 skins.		Total 1870 to 1880, 92,750; average, 9,275.		
1872 ..	99,000	29,319						
1873 ..	99,630	30,396			1,085		7,954	9,393
1874 ..	99,820	31,272			100		2,243	8,629
1875 ..	99,500	36,274			173		6,618	11,225
1876 ..	99,000	26,960			1,386		22,550	11,065
1877 ..	85,000	21,532			2,366		11,931	13,086
1878 ..	95,000	31,340			4,038		6,900	15,128
1879 ..	99,968	42,752	18,500		2,427		10,900	7,731
1880 ..	99,950	48,504	19,150		620	9,275	8,887	8,280
1881 ..	85,000	42,640		11,943	50	8,600	15,067	11,497
1882 ..	99,800	46,000	17,700*		8		13,950	7,020
1883 ..	78,000	25,000			684		10,722	3,924
1884 ..	99,500	38,000	15,641*				11,223	4,407
1885 ..	99,600	42,000	15,000*			Returns not received.	15,949	3,378
1886 ..	98,000	45,000	38,907*		68			
1887 ..	99,890	48,000	29,211†	3,695				

* Catch landed at British Columbia vessels.

† Mostly taken in Behring's Sea. See Schedule (A).

The second point upon which information is requested is "that of the destruction of the fur seal, resulting either in its extermination or the diminution of its yield in places where it formerly abounded," &c.

At the beginning of the present century there were great rookeries of fur seal at Falkland Islands, at the South Shetlands, at Masafuera, at South Georgia, and at many other places throughout the Antarctic region. These places were visited by sealing-vessels, and indiscriminate slaughter of the animals resulted in the extermination of the species, or in such diminution in their numbers that the fishery became unprofitable.

The details of the Antarctic fishery are given in Section 5, vol. ii, of the quarto Report of the United States' Fish Commission, pp. 400-467; in Report by H. W. Elliott on "Seal Islands of Alaska," 6, pp. 117-124 (reprinted in vol. viii, 10th Census Reports); in "Monograph of North American Pinnipeds," by J. A. Allen (Misc. Pub., xii, United States' Geological Survey); in "Fanning's Voyages Round the World" (New York, 1833); in "Narrative of Voyages and Travels in Northern and Southern Hemispheres," by Amasa Delano (Boston, 1817); and in numerous other works, to which reference will be found in the above volumes.

A few men are still living who participated in the Antarctic seal fisheries years ago. Their stories of the former abundance of fur seals I have obtained in personal interviews. As to the manner of destruction there is but one thing to say: an indiscriminate slaughter of old and young, male and female, in a few years results in the breaking up of the largest rookeries, and, as in the case of Masafuera and the Falkland Islands, the injury seems to be a permanent one. As an instance, the South Shetlands were first visited in 1819, when fur seals were very abundant; two vessels in a short time securing full fares. In 1820 thirty vessels hastened to the islands, and in a few weeks obtained upwards of 250,000 skins, while thousands of seals were killed and lost. In 1821-22 Weddell* says: "320,000 skins were taken. The system of extermination was practised, for whenever a seal reached the beach, of whatever denomination, he was immediately killed and his skin taken; and by this means, at the end of the second year, the animals became nearly extinct. The young, having lost their mothers when only three or four days old, of course died, which, at the lowest calculation, exceeded 100,000." In subsequent years, until 1845, these islands were occasionally visited by vessels in search of seal-skins, but never after 1822 were many animals found there. About 1845 the Antarctic fur-sealing was abandoned. In 1871 the industry was renewed, and a few vessels secured some valuable furs from the South Shetlands, but in a few years voyages there became unprofitable. (See sec. 5, vol. ii, United States' Fish Commission Report, pp. 402-458.)

The same story may be told of Masafuera, from which island about 3,500,000 fur seal-skins were taken between the years 1793 and 1807. (See sec. 5, as above, p. 407.) Captain Morrell states that in 1807 "the business was scarcely worth following at Masafuera, and in 1824 the island, like its neighbour Juan Fernandez, was almost entirely abandoned by these animals." (Morrell's Voyage: New York, 1832, p. 130.) Scarcely any seals have since been found at Masafuera. Delano states that in 1797 there were two or three million fur seals on that island. Elliott, in his Report already cited, gives accounts of earlier voyages to Masafuera, &c. I have consulted log-books and journals of several voyages, all agreeing in the former abundance, and the extermination of the fur seal on Masafuera as well as on other Antarctic or southern islands.

At the Falkland Islands both fur seals and sea-lions abounded, but there, too, they were destroyed.

The sealing business at South Georgia was most prosperous in 1800, during which season sixteen American and English vessels took 112,000 fur seal-skins. Though not as important a rookery as some of the other islands, considerable numbers of fur seals have been taken from South Georgia. Since 1870 some good cargoes of elephant seal oil have been taken there.

Fur seals were abundant at the Tristan d'Acunha Islands at the beginning of the century, and because of the almost inaccessible caves and rocks to which they resort a few have survived—or, at least, as late as 1873 a few were annually taken there.

On the west coast of Africa, from the Cape of Good Hope to the 16th degree of south latitude, there was until 1870 a considerable number of fur seals of an inferior quality, but they are now practically exhausted, the few skins marketed as coming from there being taken on various hauling grounds on islets farther south and east. (See sec. 5, vol. ii, United States' Fish Commission Report, p. 415.)

The Prince Edward group, Crozet Islands, Kerguelen Land, and other smaller islands in the Southern Indian and Southern Pacific Oceans, were important seal fisheries both for

* "Weddell's Voyages," p. 130, quoted in Section V, vol. ii, quarto Report of United States' Fish Commission, 407.

the fur and elephant seal. At none of them is any number of seals found to-day. The English exploring ship "Challenger" visited Kerguelen Land in 1873-76, and reports:—

"Two of the whaling schooners met with at the island killed over seventy fur seals in one day, and upwards of twenty at another, at some small islands off Howe Islands to the north. It is a pity that some discretion is not exercised in killing the animals, as is done at St. Paul Island, in Behring's Sea, in the case of the northern fur seal. By killing the young males and selecting certain animals only for killing, the number of seals even may be increased; the sealers in Kerguelen Island kill all they can find." (See "Report of the Scientific Results of the Exploring Voyage of Her Majesty's ship 'Challenger,' 1873-76. Narrative of the Cruise. Vol. i, in two parts. 4to. Published by order of Her Majesty's Government, 1885.")

In these volumes will be found similar references to other seal islands visited by the "Challenger." In referring to Marion Island the Report says:—

"The ruthless manner in which fur and elephant seals were destroyed by the sealing parties in the early part of this century has had the effect of almost exterminating the colony that used these desolate islands for breeding purposes." (Vol. i, p. 294.)

To recapitulate: concerning seal rookeries south of the equator, I may say that there is no single place where any number are now known to resort except on the Lobos Islands, off Peru, and at the mouth of the Rio de la Plata, and on the neighbouring hauling grounds at the cliffs of Cabo Corrientes. Here they are, and have long been, protected by the Argentine Republic or Uruguay, and the rookery appears to remain about the same size, with little apparent increase or decrease in the number of animals, as may be seen by statistics of the catch in the Table above given.

The small rookeries or hauling grounds at Diego Ramirez Islands, Cape Horn, and the rocky islets in that vicinity, from 1870 to 1883 or 1884 yielded some return to the hardy sealers of Stonington and New London, Connecticut, from which ports a half-dozen vessels have been annually sent. Even this last resort of American sealers is practically exhausted, and only by much search is a profitable voyage made there. Dr. Coppinger, who was at Cape Horn in 1878-82 ("Cruise of the 'Alert,'" by R. W. Coppinger: London, 1883), tells of the difficulties of sealing at Cape Horn, and of the profits made when even a few skins are secured. In 1880 Captain Temple "came through the western channels of Patagonia, having entered the straits at Tres Montes;" and on the Cavadonga group of barren rocks he says he found some thousands of seals.

Had the great southern rookeries been protected by Government, it is altogether probable, according to all authorities, that they would to-day yield many thousands of skins, in some cases equal to the valuable returns of the Pribyloff Group.

In proceeding up the Southern Pacific from Masafuera we pass St. Felix, the Lobos Islands, off Peru, and the Galapagos Islands, on which, as well as on other islands in that ocean, the fur seal once was found, but whence it has been exterminated. North of the equator we meet, first, the Guadalupe Islands, where in 1878 there were a few fur seals, presumably migrations from the Pribyloff Group. Moving northward, along the Californian and north-west coast, the fur seal is found in winter and early spring on its way to the great breeding grounds on the Pribyloff Islands. It is during this migration that the Pacific sealing-schooners of British Columbia and San Francisco capture them, and it is probable that if the fleet increases in size, with a corresponding increase in the number of seals taken, there will ere long be an appreciable decrease in the number of seals on the Pribyloff Islands. This cannot but be the result, for many seals are killed and not secured, and there is the same indiscriminate slaughter as regards young and old, male and female, that was practised at the southern rookeries. The statistics showing the present growing condition of the north-west coast fishery, and the efforts of the fishermen to follow the seals even into Behring's Sea, are already a matter of record, and need not be repeated here, except to refer to the Annual Reports of the Department of Fisheries of Canada. In the Report for 1886 will be found (on p. 249) the names of the British Columbian fleet, aggregating 20 vessels, manned by 79 sailors and 380 hunters, and their catch is given at 38,917 skins, as compared with 13 vessels, taking 17,700 skins, in 1882. The American vessels in this fleet in 1880 and their catch is given by Mr. Swan in sec. 5, vol. ii, of the quarto Report of the United States' Fish Commission.

It is not necessary that I refer to the condition of the rookeries on the Pribyloff Islands. There can be no question concerning the advisability of regulating the number of animals to be killed, and the selection of such animals as will not interfere with the breeding of the species. The history of the islands at the beginning of the century, when there was an indiscriminate slaughter of fur seals, and the protection of the animals in 1808 and thereafter by the Russian and American Governments, is fully told by Veniaminov and by Elliott, and need not be repeated here. (Veniaminov's "Zapieskie,"

&c., St. Petersburg, 1842, vol. ii, p. 568, quoted by H. W. Elliott in "Seal Islands of Alaska," pp. 140-145, vol. viii, Tenth Census Report.)

The Commander Islands (Behring and Copper Islands), in Behring's Sea, and Robben Reef, near Saghalien, in the Okhotsk Sea, are leased by the Alaska Commercial Company, and are protected by the Russian Government in much the same manner that the Pribyloff Islands are protected by the United States' Government. A description of the seal industry on those islands is given by Professor Nordenskiöld in "Voyage of the Vega," a translation of a portion of his Report being given by Mr. Elliott on pp. 109-115 in "Seal Islands of Alaska." At Robben Reef it is impossible to establish a station, the rock being often wave-washed; but the Alaska Company send men there in the season, to gather from 1,500 to 4,000 skins each year. The agent of the Russian Government confers with the Alaska Company's agent each year to determine the number of skins that shall be taken in the Commander Islands.

The seals taken by the Japanese are those migrating from the Commander Group, and are not secured in large numbers, the average being about 4,000, though some years as many as 11,000 are taken.

Schedule (A).—MEMORANDUM of Seal-skin Seizures, Vessels, &c., in Behring's Sea, in 1887.

No.	Rig.	Name.	Nation.	Ton- nage.	Captain.	Owner.	Seized.	Date.	Seals.
1	Steam schooner	W. P. Sayward ..	British ..	59	Geo. R. Terry ..	J. D. Warren ..	Revenue steamer "Rush"	July 10	477
2	Ditto ..	Anne Beck ..	" ..	36	Louis Olsen ..	" ..	" ..	" 3	336
3	Ditto ..	Grace ..	" ..	76	Wm. Petit ..	" ..	" ..	" 18	769
4	Ditto ..	Dolphin ..	" ..	70	J. D. Warren ..	" ..	" ..	" 13	618
5	Schooner ..	Alfred Adams ..	" ..	68	W. W. Dyer ..	J. Guteman ..	" ..	Aug. 12	1,379
6	Ditto ..	Ada ..	" ..	65	J. Gandin ..	J. Boskowitz ..	Steamer "Bear"	" 25	1,876
		Lottie Fairfield*				Lynde A. Hough ..	" "Rush"		
7	Ditto ..	Challenger ..	American ..	36	H. B. Jones ..	A. Douglass ..	" ..	" 5	443
8	Ditto ..	Lily L. ..	" ..	63	J. W. Todd ..	G. W. Ladd ..	" ..	July 1	151
9	Ditto ..	Annie ..	" ..	25	H. Brown ..	Jas. Lafin ..	" ..	" 25	195
10	Ditto ..	Kate and Annie ..	" ..	16	Chas. Lutjen ..	Chas. Lutjen ..	" ..	Aug. 11	304
11	Ditto ..	Ellen ..	" ..	12	T. H. Wentworth ..	G. W. Lybyjust ..	" ..	" 12	577
12	Ditto ..	Alpha ..	" ..	26	Jas. Taiten ..	Jas. Taiten ..	" ..	" 12	195
						J. V. Garvin ..	" ..	" 12	389
13	Ditto ..	San José ..	" ..	51	J. S. Lee ..	J. S. Lee ..	" ..	" 23	891
						J. D. Griffin ..	" ..		
14	Ditto ..	Angel Dolly ..	" ..	18	A. Tullies ..	" ..	G. R. Tingle, Treas. Agent	" 5	178
15	Ditto ..	Allie T. Alger ..	" ..	70	C. E. Raynor ..	" ..	Steamer "Bear"	" 25	1,594
16	Ditto ..	Sylvia Handy ..	" ..	68	J. L. Cathcut ..	L. N. Handy and Son	" ..	Sept. 2	1,597
									11,969

* Vessel not captured.

ARRIVAL of Sealing Schooners from Behring's Sea in 1887, as far as reported to October 5, 1887.

Arrived at—	Name of Schooner.	Number of Skins.
Port Townsend ..	Lottie ..	700
Victoria ..	Mary Taylor ..	1,000
" ..	Pathfinder ..	2,300
" ..	Penelope ..	1,500
" ..	Black Diamond ..	595
" ..	Mountain Chief ..	700
" ..	Lottie Fairfield ..	2,997
" ..	Adel ..	1,350
" ..	Favorite ..	1,887
" ..	Teresa ..	1,246
" ..	Triumph ..	480
" ..	City of San Diego ..	1,187
" ..	Vanderbilt ..	1,300
		17,242

Recapitulation, as reported up to October 5, 1887—

Skins seized ..	..	..	..	..	..	11,969
Skins landed ..	..	..	..	..	..	17,242
Total ..	..	..	..	..	..	29,211

Mr. Elliott to Mr. Bayard.

Sir, Smithsonian Institution, Washington, D.C., December 3, 1887.

DURING the course of my extended studies of the fur-seal on its breeding and hauling grounds in Behring's Sea, I was led naturally into a very careful examination of the subject of its protection and perpetuation. This investigation caused me to give much attention then to the effect which pelagic sealing would have upon the well-being and the conservation of these anomalous and valuable interests of our Government as we view them upon the Pribyloff group.

When preparing, in 1881, a final arrangement of my field notes and memoranda for publication in my Monograph of the Seal Islands of Alaska (10th Census U. S. A.), the late Professor Baird suggested that I omit the discussion of this theme of pelagic sealing, because it might serve to invite an attack which otherwise would never be made upon these preserves of our Government.

This attack, however, has recently been made, and the thought occurs to me now that a brief epitome of my study of the effect which this plan of sealing will have upon the integrity and value of our fur-bearing interests in Behring's Sea—that such a brief, yet accurate, statement will be of service to you. I therefore venture to present the following transcript.

It is now well understood and unquestioned—

1. That the fur-seal of Alaska is obliged to haul out annually upon the Pribyloff Islands for the purpose of breeding and shedding its pelage.

2. That from the time of its departure from these islands in the autumn of every year up to the time of its return to them in the following spring it lands nowhere else.

3. That it arrives *en masse* upon these islands in June and July, and departs from them in October and November.

4. That when leaving the islands in the fall it heads directly for, and rapidly passes out from Behring's Sea into, the waters of the North Pacific Ocean. Its paths of travel are bee-lines from the Pribyloff group to and through the numerous passes of the Aleutian Archipelago; the passes of Oonimak, Akootan, Oonalga, Oomnak, and the Four Mountains are most favoured by it.

5. That it returns from the broad wastes of the North Pacific Ocean by these same paths of departure.

Therefore, if you will glance at the Map of Alaska, you will observe that the convergence and divergence of these watery paths of the fur-seal in Behring's Sea to and from the Seal Islands resembles the spread of the spokes of a half-wheel—the Aleutian chain forms the felloe, while the hub into which these spokes enter is the small Pribyloff group.

Thus you can see that as these watery paths of the fur-seal converge in Behring's Sea they, in so doing, rapidly and solidly mass together thousands and tens of thousands of widely scattered animals (as they travel) at points 50 and even 100 miles distant from the rookeries of the Seal Islands.

Here is the location and the opportunity of the pelagic sealer. Here is his chance to lie at anchor over the shallow bed of Behring's Sea, 50 and 100 miles distant from the Pribyloff group, where he has the best holding ground known to sailors, and where he can ride at any weather safely swinging to his cable and in no danger from a lee shore if it should slip. The immediate vicinity, however, of the Aleutian passes is dangerous in the extreme to him. There he encounters terrible tide-rips, swift currents, and furious gales formed through the entrances, with the very worst of rough, rocky, holding ground.

But up here, anywhere from 3 to 100 miles south of the Seal Islands, in Behring's Sea, in that watery road of the returning fur-seal millions, he has a safe and fine location from which to shoot, to spear, and to net these fur-bearing amphibians, and where he can work the most complete ruin in a very short time.

His power for destruction is still further augmented by the fact that those seals which are most liable to meet his eye and aim are female fur-seals, which, heavy with young, are here slowly nearing the land, reluctant to haul out of the cool water until the day and hour arrives that limits the period of their gestation.

The pelagic sealer employs three agencies with which to secure his quarry, viz.: He sends out Indians with canoes and spears from his vessel; he uses rifle and ball, shot-guns and buck-shot; and last, but most deadly and destructive of all, he spreads the "gill-net" in favourable weather.

With gill-nets, under run by a fleet of sealers in Behring's Sea, across these converging paths of the fur-seal, anywhere from 3 to 100 miles southerly from the Seal Islands, I am extremely moderate in saying that such a fleet could and would utterly ruin the fur-seal rookeries of the Pribyloff Islands in less time than three or four short seasons. If these men were unchecked every foot of that watery area of fur-seal travel in Behring's Sea above indicated could and would be traversed by these deadly nets, and a seal would scarcely have one chance in ten to safely pass such a cordon in attempting to go and return from its breeding haunts.

Open these waters of Behring's Sea to unchecked pelagic sealing, then a fleet of hundreds of vessels—steamers, ships, schooners, and what not—would immediately venture into them, bent upon the most vigorous and indiscriminate slaughter of these animals. A few seasons then of the greediest rapine, then nothing left of those wonderful and valuable interests of the public which are now so handsomely embodied on the Seal Islands. Guarded and conserved as they are to-day, they will last for an indefinite time to come, objects of the highest commercial value and good to the world, and subjects for the most fascinating biological study.

It is also well to note the fact that not an eligible acre of land is barred out from settlement or any other fit use by our people, and not a league of water is closed to any legitimate trade or commerce in all Alaska by this action of our Government in thus protecting the fur-bearing rookeries of the Pribyloff group.

Such are the facts in this connection. They are indisputable. No intelligent unselfish man will advocate for a moment the policy of destruction in this instance; he never will if fully aware of the facts bearing on the question.

There are only two parties in this controversy. The party of destruction demands the full right to unchecked pelagic sealing in Behring's Sea, while the party of preservation demands the suppression of that sealing. Comment is unnecessary.

Very truly, &c.

(Signed) HENRY W. ELLIOTT.

No. 94.

Sir L. West to the Marquis of Salisbury.—(Received February 21.)

My Lord,

Washington, February 10, 1888.

I HAVE the honour to inclose to your Lordship herewith an article from the "New York Herald" on the Behring's Sea seizures and closed seas.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 94.

Extract from the "New York Herald" of February 8, 1888.

CLOSED SEAS.—An Ottawa despatch states that Professor Dawson is on the way to Washington, as agent of the Canadian Government, in relation to complaints of that Government about wrongs suffered by some of its people in Alaska.

This refers probably to the seizure of a number of Canadian sealing-vessels in Behring's Sea and their condemnation at Sitka. The "Carolina," "Onward," and "Thornton," all confessedly Canadian sealers, were seized in August 1886 by an American Revenue-cutter, while over 60 miles from land, in Behring's Sea, and were later condemned by the United States' Court. About the same time several American sealing-vessels—the "San Diego," "Sierra," and others—were also seized, under similar circumstances, and also condemned.

Early in 1887 the President ordered the discontinuance of the proceedings against the Canadian sealers and their discharge, but the American vessels captured and condemned were held. Subsequently, in July 1887, five other Canadian sealers—the "Grace," "Dolphin," "Alfred Adams," "W. P. Sayward," and "Anna Beck"—were seized, also at a distance from land. For all these seizures, and the losses inflicted on the owners and crews, damages are claimed by the British Government. In considering these claims, the question whether the United States can hold Behring's Sea to be a closed sea turns up.

We suppose that if it were not for a desire to preserve the valuable fur seal fisheries this question would not be raised, because Behring's Sea, geographically, is plainly an integral part of the Pacific Ocean. Russia, when she owned both shores of it, may have

claimed it as a closed sea, just as Spain once claimed the exclusive right to navigate the whole Pacific Ocean. But in modern times such claims have been considered preposterous, and have been shelved. Our own Government has been in the past most persistent in its opposition to "the headland" theory, and to the assertion by other Powers of exclusive rights to waters much more closely land-bound than the Behring's Sea. The United States were the first to resist the claims of the Barbary Powers to attribute for entering the Mediterranean. Our Government resisted the payment of the "Sound dues" to Denmark as "inconsistent with just principles of international law," and asserted "the freedom of the Baltic Sound," and "insisted on the right of free transit into and from the Baltic."

Later, the United States even refused to acknowledge the right of Turkey to exclude our vessels from the Black Sea, and we have always refused to acknowledge Great Britain's claim to make the Gulf of St. Lawrence a closed water. We do not suppose, therefore, that the Government will defend the seizure of the Canadian sealers on the ground that it can prevent foreign ships from entering Behring's Sea, or from fishing or sealing in it beyond 3 miles from the shore. That northern extension of the Pacific Ocean is, it seems to us, undoubtedly an open sea, in which all nations may freely sail and fish, keeping outside the 3-mile limit.

The preservation of the seal fisheries is, of course, of interest to the Government, which draws a revenue from these fisheries sufficient, we believe, to pay the interest on the cost of Alaska.

It has often been urged that, if any one may capture seals in the Behring's Sea, the animals will soon become extinct. So the Canadians represent that if our mackerel fishers are allowed to use the Gulf of St. Lawrence, the mackerel fishery there will be destroyed for the Canadians, the American seines destroying, as they allege, the young fish. We have not noticed that much attention has been paid here to this plea of the Canadians.

Perhaps, if our fishermen will agree not to fish in Canadian waters, the Canadians will agree not to seal in Behring's Sea?

Meantime, there is a bill of damages on each side; for the Canadians have dealt with great severity, not to say brutality, with our fishermen in their waters.

No. 95.

The Marquis of Salisbury to Sir L. West.

Sir,

Foreign Office, February 22, 1888.

I TRANSMIT herewith, for your information, a copy of a letter from the United States' Minister in London,* inclosing a copy of a despatch addressed to him by Mr. Bayard on the 7th instant, in which attention is called to the necessity for the adoption of measures for the protection of the fur-seals in Behring's Sea.

I am, &c.
(Signed) SALISBURY.

No. 96.

The Marquis of Salisbury to Sir L. West.

(Extract.)

Foreign Office, February 22, 1888.

THE United States' Minister called to-day at the Foreign Office, and spoke to me about the question of the protection of the fur seals in Behring's Sea.

He said that the difficulties in regard to the seal fisheries in that sea were mainly connected with the question of the close time, and that no attempt had been made by the authorities of the United States to stop the fishing there of any vessels at the time when it was legitimate.

Mr. Phelps then made a proposal on the bases embodied in Mr. Bayard's despatch of the 7th February, a copy of which accompanies my previous despatch of this day's date.†

Mr. Bayard there expresses the opinion that the only way of preventing the destruction of the seals would be by concentrated action on the part of the United States, Great Britain, and other interested Powers to prevent their citizens or subjects from killing

* No. 93.

† See No. 93.

fur seals with fire-arms or other destructive weapons north of 50° of north latitude, and between 160° of longitude west and 170° of longitude east from Greenwich, during the period intervening between the 15th April and the 1st November.

I expressed to Mr. Phelps the entire readiness of Her Majesty's Government to join in an Agreement with Russia and the United States to establish a close time for seal-fishing north of some latitude to be fixed.

No. 97.

Foreign Office to Colonial Office.

Sir,

Foreign Office, March 3, 1888.

I AM directed by the Marquis of Salisbury to transmit herewith, for the information of Secretary Sir H. Holland, a copy of a letter from the United States' Minister in London,* inclosing a copy of a despatch addressed to him by Mr. Bayard on the 7th ultimo, in which attention is called to the necessity for the adoption of measures for protecting the fur seals in Behring's Sea.

I am at the same time to inclose a copy of a despatch which has been addressed to Sir L. West,† repeating the substance of what passed at an interview between Lord Salisbury and Mr. Phelps on this question on the 22nd ultimo.

I am to request that in laying these papers before Sir H. Holland, you will move him to furnish Lord Salisbury with any observations he may have to offer on the subject.

I am, &c.

(Signed)

JULIAN PAUNCEFOTE.

No. 98.

The Marquis of Salisbury to M. de Staal.

My dear Ambassador,

Foreign Office, March 3, 1888.

I INFORMED you a short time ago that the Government of the United States had proposed negotiations with the object of regulating the catching of fur seals in Behring's Sea.

It would be a source of satisfaction to me if the Russian Government would authorize your Excellency to enter into a discussion of the matter with Mr. Phelps and myself, and I should be greatly obliged if you would communicate on the subject with M. de Giers and inform me of the decision at which his Excellency may arrive.

I have, &c.

(Signed)

SALISBURY.

No. 99.

M. de Staal to the Marquis of Salisbury.—(Received March 8.)

Cher Lord Salisbury,

Londres, le 24 Février (7 Mars), 1888.

J'AI eu l'honneur de recevoir la lettre que vous avez bien voulu m'adresser en date du 3 Mars au sujet de la proposition faite par le Gouvernement des États-Unis d'Amérique en vue du règlement de la question de la chasse aux phoques dans la mer de Behring.

Votre Excellence m'ayant fait part du désir du Gouvernement de Sa Majesté Britannique de voir la Russie concourir aux arrangements à concevoir pour préserver de la ruine une branche d'industrie importante, je m'empresse d'en informer le Gouvernement Impérial en priant M. de Giers de me munir des instructions nécessaires pour le cas où le Ministère Impérial m'autoriserait à m'associer aux négociations sur l'objet en question.

Veuillez, &c.

(Signé)

STAAL.

* No. 93.

† No. 96.

(Translation.)

Dear Lord Salisbury, London, February 24 (March 7), 1888.

I HAVE had the honour to receive the letter which you were good enough to address to me on the 2d March respecting the proposal made by the Government of the United States of America with the object of settling the question of seal-hunting in Behring's Sea.

Your Excellency having acquainted me of the desire of Her Britannic Majesty's Government to have the co-operation of Russia in the arrangements to be concerted for the preservation from ruin of an important branch of industry, I shall lose no time in informing the Imperial Government, and I shall ask M. de Giers to furnish me with the necessary instructions in case the Imperial Government should authorize me to take part in the negotiations on the subject in question.

Receive, &c.
(Signed) STAAL.

No. 100.

Colonial Office to Foreign Office.—(Received March 13.)

Sir, Downing Street, March 12, 1888.

IN reply to your letter of the 3d instant, I am directed by Lord Knutsford to acquaint you, for the information of the Marquis of Salisbury, that he thinks it will be necessary to consult the Canadian Government on the proposal to establish a close time for seals in Behring's Sea before expressing a final opinion upon it.

A copy of your letter and its inclosure has been forwarded to the Governor-General with a view to obtaining an expression of the views of his Ministers upon it.

I am to add that Lord Knutsford is inclined to view the proposal of the United States' Government with favour, but that he presumes that it will be made quite clear, should Her Majesty's Government assent to it, that such assent will not be taken as an admission of the claims of the United States in Behring's Sea, which have formed and still form the subject of controversy.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 101.

Foreign Office to Colonial Office.

Sir, Foreign Office, March 17, 1888.

I HAVE laid before the Marquis of Salisbury your letter of the 12th instant, relative to the proposals of the United States' Government for the establishment of a close season for the fur-bearing seals which frequent Behring's Sea.

By his Lordship's direction I transmit herewith for your information copies of the correspondence, marked in the margin,* which has recently passed on this subject; and I am to request that in laying these papers before Lord Knutsford you will call his attention to the instructions given to Sir L. West to inform the United States' Secretary of State that, in acting upon the invitation conveyed in Mr. Bayard's despatch to Mr. Phelps of the 7th ultimo, Her Majesty's Government do not admit the rights of jurisdiction exercised by the United States' authorities in Behring's Sea during the fishing seasons of 1886-87 and 1887-88, and that the presentation of claims on account of the wrongful seizures of British vessels engaged in the seal-fishing industry will not be affected by such action.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 102.

The Marquis of Salisbury to Sir L. West.

Sir,

Foreign Office, March 17, 1888.

SINCE forwarding to you my despatch of the 22nd ultimo I have been in communication with the Russian Ambassador at this Court, and have invited his Excellency to ascertain whether his Government would authorize him to discuss with Mr. Phelps and myself the suggestion made by Mr. Bayard in his despatch of the 7th February, that concerted action should be taken by the United States, Great Britain, and other interested Powers, in order to preserve from extermination the fur seals which at certain seasons are found in Behring's Sea.

Copies of the correspondence on this question which has passed between M. de Staal and myself is inclosed herewith.*

I request that you will inform Mr. Bayard of the steps which have been taken, with a view to the initiation of negotiations for an Agreement between the three Powers principally concerned in the maintenance of the seal fisheries. But in so doing, you should state that this action on the part of Her Majesty's Government must not be taken as an admission of the rights of jurisdiction in Behring's Sea exercised there by the United States' authorities during the fishing seasons of 1886-87 and 1887-88, nor as affecting the claims which Her Majesty's Government will have to present on account of the wrongful seizures which have taken place of British vessels engaged in the seal-fishing industry.

I am, &c.

(Signed) SALISBURY.

No. 103.

Colonial Office to Foreign Office.—(Received March 22.)

Sir,

Downing Street, March 22, 1888.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a notice of a question to be asked in the House of Commons on Monday next by Mr. Gourley, respecting the alleged clearing for Behring's Sea of Canadian sealing schooners with armed Indian crews for the purpose of waging war upon American Revenue cutters, should their commanders attempt to molest them.

The question also asks what measures Her Majesty's Government intend adopting for the purpose of arriving at an amicable solution of the Alaskan Fisheries disputes.

Lord Knutsford has telegraphed to the Governor-General of Canada to inquire into the truth of the report referred to in the question, but he would be glad if the Marquis of Salisbury would inform him of the answer which should be returned to that part of the question which relates to the measures to be adopted for a settlement of the Alaskan Fisheries dispute.

Lord Knutsford would also be glad to receive Lord Salisbury's opinion as to whether it would be legally justifiable, and, if so, advisable, to desire the commanders of Her Majesty's ships to disarm any British sealing schooners sailing with such intention as is alleged in the report.

I am, &c.

(Signed) R. H. MEADE.

Inclosure in No. 103.

Question to be asked in the House of Commons, March 26, 1888.

Mr. Gourley,—To ask the Under-Secretary of State for the Colonies whether it is correct, as reported by cable from Victoria, British Columbia, that a number of Canadian sealing schooners have been permitted to clear for Behring's Sea with the intention of prosecuting seal-fishing contrary to the regulations of the United States' Alaskan authorities, carrying large Indian crews for the purpose of waging war upon American Revenue cutters, should their commanders attempt to molest them.

And what measures Her Majesty's Government intend adopting for the purpose of arriving at an amicable solution of the Alaskan Fisheries disputes.

Foreign Office to Colonial Office.

Sir,

Foreign Office, March 24, 1888.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 22nd instant, calling attention to a notice of a question to be asked by Mr. Gourley in the House of Commons on the 26th instant (1) in regard to the alleged clearing for Behring's Sea of certain Canadian sealing schooners with armed Indian crews, for the purpose of waging war upon American Revenue cutters, should the commanders of the latter attempt to molest them; and (2) as to the measures which Her Majesty's Government intend to adopt for arriving at an amicable solution of the Alaskan Fisheries disputes.

With reference to the latter part of Mr. Gourley's question, I am to request that you will state to Lord Knutsford that, although some delay is inevitable in pressing for an immediate settlement of the questions which have arisen between this country and the United States in connection with the fur-seal fisheries in Behring's Sea, there is no reason to believe that any further illegal seizures of British vessels will take place, especially as the United States' Government have invited Her Majesty's Government to negotiate a Convention for a close time, thereby admitting their claim to exclusive rights in those waters to be untenable. Lord Salisbury, however, will again endeavour to obtain assurances on the subject from the Government of the United States.

As regards the rumours which have reached this country by telegraph from Victoria, British Columbia, of the clearance of Canadian vessels for Behring's Sea, manned with armed Indian crews, I am to state that Lord Salisbury will be prepared to submit the matter to the Law Officers of the Crown, should the rumours in question be confirmed, but that if the vessels are armed, not for purposes of attack, but for purposes of resistance to illegal seizures on the high seas, it would seem difficult to justify any interference with them on the part of Her Majesty's cruisers.

In conclusion, I am to suggest, for Lord Knutsford's consideration, that, in reply to Mr. Gourley's inquiry as to "what measures Her Majesty's Government intend adopting for the purpose of arriving at an amicable solution of the Alaskan Fisheries disputes," it might be stated that the question is now under the consideration of the two Governments concerned, but that it would be premature at this moment to say more than that Her Majesty's Government have no reason to doubt that a satisfactory arrangement will be arrived at.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 105.

Colonial Office to Foreign Office.—(Received March 26.)

Sir,

Downing Street, March 24, 1888.

WITH reference to my letter of yesterday's date respecting a question to be asked in the House of Commons upon the subject of the alleged clearance of Canadian sealing vessels for the Behring's Sea with armed Indian crews, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram which has this day been received from the Governor-General of Canada.

I am to request to be informed of the answer which Lord Salisbury would wish to be returned to the Governor-General in regard to the latter part of his telegram.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure in No. 105.

The Marquis of Lansdowne to Lord Knutsford.

(Telegraphic.)

Ottawa, March 22, 1888.

I HAVE received your telegram of the 22nd. The press has published rumour referred to, but it is not credited here, or confirmed by information, private or official. It is, however, of great importance, in order to avoid injury to fishing interest and risk

of further complications, to obtain from United States' Government explicit statement of its intentions as to sealers found in Behring's Sea this season.

No. 106.

Count Piper to the Marquis of Salisbury.—(Received March 27.)

EN se référant à la note verbale en date du 11 Octobre dernier, par laquelle M. le Marquis de Salisbury a exprimé le désir de connaître si le Gouvernement du Roi accepterait l'invitation qui lui avait été adressée par le Gouvernement des États-Unis à entrer dans un arrangement concernant la pêche aux phoques dans la mer de Behring, le Comte Piper a l'honneur, d'ordre de son Gouvernement, de lui communiquer ci-joint la réponse que le Comte Ehrensvärd a fait parvenir à ce sujet au Ministre des États-Unis à Stockholm.

Londres, le 24 Mars, 1888.

(Translation.)

WITH reference to the *note verbale* of the 11th October last, in which the Marquis of Salisbury expressed the wish to know if the King's Government would accept the invitation addressed to them by that of the United States to come to an arrangement concerning the seal fishery in Behring's Sea, Count Piper has the honour, by order of his Government, to communicate to Lord Salisbury the inclosed reply which Count Ehrensvärd has addressed to the United States' Minister at Stockholm on the subject.

London, March 24, 1888.

Inclosure in No. 106.

Count Ehrensvärd to the United States' Minister at Stockholm.

Le 15 Mars, 1888.

PAR une lettre en date du 17 Septembre de l'année passée Vous avez bien voulu, au nom de Votre Gouvernement, inviter les Royaumes-Unis à entrer dans un arrangement avec les États-Unis pour la préservation des phoques dans la mer de Behring.

La chasse aux phoques dans ces parages n'étant, jusqu'à présent, que d'un intérêt minime pour les Royaumes-Unis, le Gouvernement de Roi a cru ne pas devoir prendre part activement à ces pourparlers, lesquels il suivra toutefois avec toute l'attention que mérite l'affaire. Il sera ainsi heureux d'apprendre que les pourparlers engagés entre les Puissances intéressées en première ligne à ce sujet aient pu aboutir à un arrangement international, et que la faculté d'adhérer à l'entente serait, le cas échéant, réservée aux autres Puissances.

Veillez, &c.

(Signé) EHRENSVÄRD.

(Translation.)

March 16, 1888.

IN a letter dated the 17th September of last year You were good enough, in the name of Your Government, to invite the United Kingdoms to enter into an arrangement with the United States for the preservation of seals in Behring's Sea.

As the hunting of seals in those regions is at present but of very slight interest to the United Kingdoms, the Government of the King have not thought it their duty to take an active part in these negotiations, though they will be glad to follow them with all the attention which the matter deserves. They will also be glad to learn that the negotiations between the Powers chiefly interested have successfully resulted in an international arrangement, and that liberty will be reserved to the other Powers to join in such an arrangement should they desire to do so.

Receive, &c.

(Signed) EHRENSVÄRD.

Colonial Office to Foreign Office.—(Received March 29.)

Sir,

Downing Street, March 28, 1888.

WITH reference to the letter from this Department of the 24th instant, and to yours of the same date, relating to the alleged clearing for Behring's Sea of certain Canadian sealing schooners with armed Indian crews, for the purpose of resisting the American Revenue cutters, should the commanders of the latter attempt to molest them, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a telegram received from the Governor-General of Canada, from which it appears that this rumour is not unfounded.

Lord Knutsford desires to call the attention of Lord Salisbury to the suggestion of the Governor-General that the Admiralty should instruct the Admiral commanding on the station to watch the proceedings on the spot.

His Lordship would also suggest that this matter should be brought under the immediate notice of the United States' Government in order that a definite announcement of their intentions during the present season with reference to the Behring's Sea sealers may be obtained; with such information Her Majesty's Government would be better able to consider how further complications may best be avoided.

I am, &c.

(Signed) EDWARD WINGFIELD.

Inclosure in No. 107.

Lord Lansdowne to Lord Knutsford.

(Telegraphic.)

Ottawa, March 27, 1888.

I AM informed by Lieutenant-Governor of British Columbia that sealers on the point of departure for Behring's Sea are arming the vessels and crews to resist capture by American Revenue cutters. We think it desirable that Admiral should be instructed to watch proceedings on the spot. I have telegraphed to Lieutenant-Governor to issue notice cautioning sealers to refrain from any assertion of right by force of arms, and pointing out grave results which might ensue from resort to arms whilst negotiations still in progress. It seems to us impossible to prevent fishermen taking on board the arms and ammunition usually required for their own protection and for use in seal-fishing. Reports reach us from Victoria that United States' Government has issued orders for the seizure of all sealers found this season in Behring's Sea. Let me again urge necessity of obtaining from United States' Government definite announcement of its intentions during present fishing season in those waters.

No. 108.

The Marquis of Salisbury to Sir L. West.—(Substance telegraphed.)

Sir,

Foreign Office, March 30, 1888.

I INCLOSE, for your information, a copy of a letter from the Colonial Office,* inclosing a telegram from the Governor-General of Canada, from which it appears that the British vessels and crews now fitting out for the approaching seal-fishing season in Behring's Sea are being armed with a view to offering resistance to their capture by American cruisers when so occupied.

Lord Lansdowne also reports that it is rumoured in Victoria that orders have been issued by the United States' Government for the seizure of all sealers found this season in Behring's Sea.

I request that you will inform Mr. Bayard of the report in question, and that you will earnestly represent to him the extreme importance that Her Majesty's Government should be enabled to contradict it.

I am, &c.

(Signed) SALISBURY.

No. 109.

Foreign Office to Colonial Office.

Sir,

Foreign Office, March 30, 1888.

I HAVE laid before the Marquis of Salisbury your letter of the 28th instant, inclosing a telegram from the Governor-General of Canada, from which it appears that the vessels and crews now preparing for the seal-fishing season in Behring's Sea are being armed with a view to offering resistance to their capture in that sea.

I am to request that you will inform Lord Knutsford, in reply, that Sir L. West has been instructed to call Mr. Bayard's attention to the rumour current in Victoria that orders have been issued by the United States' Government to capture British ships fishing in Behring's Sea, and he has been further directed to represent earnestly the extreme importance that Her Majesty's Government should be enabled to contradict the rumour in question.

On receipt of Sir L. West's reply a further communication will be addressed to you.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 110.

Sir L. West to the Marquis of Salisbury.—(Received April 2.)

My Lord,

Washington, March 19, 1888.

I HAVE the honour to inclose to your Lordship herewith copy of a telegram which I have received from Mr. Foster, the Canadian Minister of Marine and Fisheries, as well as copy of a despatch which I have addressed to the Marquis of Lansdowne in reply thereto, and which is based on unofficial communication with the State Department.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 110.

Mr. Foster to Sir L. West.

(Telegraphic.)

Ottawa, March 6, 1888.

IT seems that Canadian sealers are required to carry appeal to United States' Court, or, by failure to do that, will forfeit bonds. Can they be allowed, pending definite settlement between United States and Great Britain, to bond vessels and skins without obligation to appeal?

Inclosure 2 in No. 110.

Sir L. West to the Marquis of Lansdowne.

(Extract.)

Washington, March 19, 1888.

I HAVE the honour to inclose to your Excellency herewith copy of a telegram which I have received from Mr. Foster, your Excellency's Minister of Marine and Fisheries, relative to pending proceedings in the cases of Canadian sealers seized in Behring's Sea, and, in reply, to inform your Excellency that the Attorney-General has stated that Rule X of the Practice in Admiralty and Rules of the Supreme Court (1887) make it plain that the confiscated ships can be bonded pending appeal.

No. 111.

The Marquis of Salisbury to Sir L. West.

Sir,

Foreign Office, April 3, 1888.

THE United States' Minister called upon me to-day, previous to his return to America. He was anxious to speak to me especially with reference to the condition of the seal-fishery in Behring's Sea.

He expressed the hope that instructions would soon arrive which would enable the Russian Ambassador to negotiate on the subject of establishing a close time during which the capture of seals in certain localities should not be permitted; and he added that, whenever that Convention could be arranged, it would put an end to all the difficulties which had arisen with respect to the seal-fishery in that sea.

Mr. Phelps was very anxious for dispatch because the destruction of the species was enormous, and was increasing in volume every year. But under the peculiar political circumstances of America at this moment, with a general election impending, it would, he said, be of little use, and, indeed, hardly practicable, to conduct any negotiation to its issue before the election had taken place. He held it, however, to be of great importance that no steps should be neglected that could be taken for the purpose of rendering the negotiation easier to conclude, or for supplying the place of it until the conclusion was obtained. He informed me, therefore, unofficially, that he had received from Mr. Bayard a private letter, from which he read to me a passage to the following effect:—

“I shall advise that secret instructions be given to American cruizers not to molest British ships in Behring’s Sea at a distance from the shore, and this on the ground that the negotiations for the establishment of a close time are going on.”

But, Mr. Phelps added, there is every reason that this step should not become public, as it might give encouragement to the destruction of seals that is taking place.

I suggested to him that it would be desirable for Lord Lansdowne to know of it, as his Excellency was much embarrassed by the measures for self-defence which were being taken by some of the sealing-ships that were fitting out from British Columbia.

Mr. Phelps then said that he would have no objection to my communicating this information to Lord Lansdowne confidentially. At the same time he expressed the hope that I would represent to Lord Lansdowne the importance of refusing clearance, if he could do so, to all ships going out from ports in British Columbia to shoot seals in Behring’s Sea during close time, that is to say, from the 15th April to the 1st November.

He also said he presumed that any Convention for exercising police in Behring’s Sea must, in the case of America and Great Britain, be supported by legislation; and he would be very glad if Her Majesty’s Government would try to obtain the requisite powers during the present Session.

I replied that the matter should have our immediate attention.

I am, &c.
(Signed) SALISBURY.

No. 112.

Sir L. West to the Marquis of Salisbury.—(Received April 4.)

(Telegraphic.)

Washington, April 3, 1888.

I HAVE made representation to Secretary of State as directed in your telegram of the 30th ultimo. He begs me to inform your Lordship that no orders have been issued for capture of British ships fishing in Behring’s Sea.

No. 113.

Foreign Office to Colonial Office.

Sir,

Foreign Office, April 5, 1888.

WITH reference to your letter of the 28th ultimo, I am directed by the Marquis of Salisbury to state to you, for the information of Secretary Lord Knutsford, that a telegram has been received from Her Majesty’s Minister at Washington reporting that the United States’ Secretary of State has informed him that no orders have been issued by the Government of the United States for the capture of British ships fishing in Behring’s Sea.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 114.

Colonial Office to Foreign Office.—(Received April 11.)

Sir,

Downing Street, April 10, 1888.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, an extract of a despatch from the Governor-General of Canada respecting the question of bonding the British sealing-vessels captured by the United States' cruisers in Behring's Sea during last season, and again urging the desirability of obtaining from the Government of the United States a distinct intimation of its intentions with regard to the approaching season.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure in No. 114.

The Marquis of Lansdowne to Lord Knutsford.

(Extract.)

Government House, Ottawa, March 21, 1888.

I AM given to understand by my Minister of Marine and Fisheries that permission has actually been given to the owners of the British vessels to bond them pending appeal, provided that the sureties are citizens of the United States and resident therein. He has, however, learnt that the British Columbian owners who are concerned in this matter are not willing to bond their vessels if they are thereby bound to carry an appeal to the United States' Courts, and if, by not proceeding with the appeal, they would thereby forfeit their bonds.

It has, moreover, been suggested that, by giving bonds pending an appeal to the Supreme Court of the United States, the owners might thereby place the matter outside the scope of any diplomatic negotiations which may take place upon this subject, a result which they would naturally be desirous of avoiding.

They have now inquired whether it would be possible for them to bond their vessels, &c., pending, not an appeal to the Supreme Court, but the diplomatic settlement of the question which has arisen in connection with the seal fishery in these waters.

I shall be glad if Her Majesty's Government will invite the attention of that of the United States to this request, which should be attended to as soon as possible.

From information which I have received, there is reason to believe that the seal-skins on board of these vessels will be sold at Sitka on the 19th April.

In connection with the subject of this despatch, I venture again to call your attention to the inquiry made in my telegram of the 31st March, 1887, in regard to the action likely to be taken during the present year by cruisers of the United States in Behring's Sea against sealers frequenting these waters. The uncertainty as to this has had a very prejudicial effect upon the fishing interests of British Columbia, and I would urge that, both in order to avoid this inconvenience, and also in order to obviate the risk of further friction between the two Governments, an explicit statement of its intentions should be obtained from that of the United States with as little delay as possible. It is, I think, obvious that an international arrangement whereby a close time would be established for fur-seals within certain limits is not likely to be arrived at in time to provide for the requirements of the fishing season of this year.

I have communicated a copy of this despatch to Sir Lionel West.

Foreign Office to Colonial Office.

Sir,

Foreign Office, April 14, 1888.

I LAID before the Marquis of Salisbury your letter of the 10th instant, together with the despatch from the Marquis of Lansdowne therein inclosed, respecting the bonding of British sealing-vessels captured by United States' cruizers in Behring's Sea during last season, and again urging the desirability of obtaining from the United States' Government a distinct intimation of their intentions with regard to the approaching season.

On this latter point my other letter of this day will have made known to the Secretary of State for the Colonies Lord Salisbury's views.

With regard to the question of "the bonding for appeal vessels or cargoes condemned to forfeiture by the District Court of Alaska," I am directed by Lord Salisbury to observe that the arrangement proposed in paragraph 5 of Lord Lansdowne's despatch would operate as an abandonment of the right of appeal without any certain prospect of a remedy by diplomatic action. His Lordship would therefore suggest, for the consideration of Lord Knutsford, whether it might not be preferable to propose to the United States' Government that the time limited for the prosecution of the appeals should be extended by consent for such period as may allow of a settlement by diplomatic negotiation, without prejudice to the ultimate legal remedy by appeal, should such negotiation be unsuccessful.

As regards the sureties, Lord Salisbury does not think that reasonable objection can be taken to the stipulation that they should be citizens of the United States and resident therein, and therefore within the jurisdiction of the American Courts.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 117.

Sir L. West to the Marquis of Salisbury.—(Received April 16.)

My Lord,

Washington, March 27, 1888.

I HAVE the honour to inclose to your Lordship herewith copies of a letter addressed to Senator Dolph, of Oregon, by Mr. James G. Swan, Assistant Collector of Port Townsend, Washington Territory, relative to fur-seals in the waters of Alaska and in the Behring's Sea.

The migration of the New England fishermen to the Pacific coast, and their determination to assert the right to fish or hunt in the American waters of Behring's Sea, outside of 3 nautical miles from any island or the mainland of Alaska, will have an important bearing on the jurisdiction claimed by the United States' for the benefit of the Alaska Commercial Company.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 117.

50th Congress.—SENATE.—Mis. Doc. No. 78.

IN THE SENATE OF THE UNITED STATES.

March 15, 1888.—Presented by Mr. Dolph, and ordered to lie on the table and be printed.

Letter of James G. Swan, Assistant Collector, Port Townsend, Washington Territory, relative to Fur Seals in the Waters of Alaska and in the Behring's Sea.

Senator,

Port Townsend, Washington, March 7, 1888.

I HAVE the honour to inform you of the arrival here of the first vessel of the Gloucester, Massachusetts, fishing fleet—the schooner "Mollie Adams," Captain Johnson,

which arrived here on the 3rd instant. This vessel is owned by Captain Solomon Jacobs, of Gloucester, who has taken command of her, and she sails to-day on a sealing expedition from off the mouth of the Columbia, following the herd north. Seals are reported as being unusually numerous this season and are in myriads. California steamers report running through one herd which extended 100 miles, and the seals appeared to be as thick as they could swim. After the sealing season is over the schooner will engage in the halibut and cod fishery and send their catch in ice to the Eastern markets.

Another of Captain Jacobs' schooners, the "Webster," will be here in April, and several others will be here this season. Next year between fifty and sixty vessels are expected, and they will be followed by others, and within two years a colony of several hundred of these fishermen will be here to develop the wealth now dormant and hidden in our waters.

Since I returned from Queen Charlotte's Island, in 1883, I have persistently urged on Professor Baird the necessity of sending one of the United States' Fish Commission steamers to the Pacific to develop our fisheries, and shortly before Professor Baird's lamented death he wrote me that the "Albatross" would be sent to our waters, and she is now on her way out.

These Gloucester fishermen will render valuable assistance to Captain Tanner. It is to the fishermen of Gloucester, Cape Cod, and the coast of Maine that the United States' Fish Commission is largely indebted for much of the valuable information respecting the Atlantic fisheries, which has been published by that admirable Bureau of the Smithsonian Institution.

Hitherto no protection has been given our Pacific fishermen by our Government. The Treaty of 1818 does not allude to the Pacific coast, nor does the present Treaty, so far as I am informed, make any provision for or allusion to the fisheries of the North Pacific. British Columbia is, as it were, sandwiched between Washington and Alaska; our interests are identical, and at present the most harmonious and kindly feeling exists between the people of British Columbia and ourselves. Every steamer for Alaska which takes the inside passage passes through the waters of British Columbia, affording a means of delightful recreation to thousands of tourists. This kindly feeling should be encouraged, and particularly in reference to our fishermen who wish to fish the waters of the coast from the Columbia to Alaska.

But these New England fishermen ask more than to fish along the coast; they wish to explore the waters of Behring's Sea and the Arctic Ocean, and to be permitted to take any of the products of the ocean in American waters without the annoyance they have been subjected to for so many years on the Canadian coasts of the Atlantic.

Ever since the lease of the Pribylov Islands to the Alaska Commercial Company, that powerful monopoly has persistently deceived the Congress of the United States and the American people by arrogantly asserting that all the fin seals of the North Pacific Ocean congregate on the Islands of Saint Paul and St. George, and that the indiscriminate slaughter of those seals would soon exterminate the race. The latter part of this assertion is true, but the first, I assert, is a physical impossibility. The seals of the North Pacific, in countless myriads, could not, by any process of their own, find room on those two comparatively insignificant islands, and I am prepared to prove that the southern seals, from the Gulf of Tehuantepec and Gulf of California, which come north every season, differ from the seals of the Pribylov Islands, and never "haul out" on that group. The indiscriminate slaughter of fin seals in early days on the Island of Massafuero, on the coast of Chile, and on the San Benito Islands of Lower California, drove the seals away from those once famous rookeries, and they seem to have acquired new habits. A paid writer of the Company, Henry W. Elliott, in an otherwise excellent monograph on the fin seal islands of Alaska, boldly asserts that the seals of the North Pacific all congregate on the Pribylov Islands. He further asserts that those seals have their pups on land, and that if a pup is thrown into the water it cannot swim, but will sink like a stone, and takes me to task for asserting that the pups of the seals taken at Cape Flattery can swim as soon as born and even when taken alive from the mother's womb.*

In 1883 I was instructed by Professor Baird to investigate the habits of the fin seals and to make a Report thereon, which Report may be found in the Bulletin of the United States' Fish Commission (vol. iii, 1883, p. 201). In that Report I have shown by thirteen witnesses, some of them Government officials, that the fin seals of Cape Flattery do have their pups in the water, on the kelp and at other places not yet discovered, and that the pups swim as soon as born; this evidence as against Mr. Elliott's

* United States' Commission of Fish and Fisheries, Special Bulletin 176, a Monograph of the Seal Islands of Alaska, by Henry W. Elliott, 1882, p. 166, last paragraph.

unsupported, dogmatic assertion that the pups will sink like a stone. I believe that Mr. Elliott is correct so far as the seals of the Pribylov Islands are concerned, and I know that I am correct so far as regards the seals of Cape Flattery, and, believing that both of us are correct, it proves incontestably that the seals which come from the south to Cape Flattery differ in their habits from those of Behring's Sea.

These eastern fishermen, knowing the value of the rookeries, are desirous that the law protecting the seals on the Pribylov Islands, as well as the provisions of the lease to the Alaska Commercial Company, should be rigidly enforced. But they do not believe that the term "adjacent waters" named in that lease ever meant or was intended to mean all the waters of the North Pacific Ocean. They believe that they, as American citizens, have a right to fish or hunt in the American waters of Behring's Sea, outside of 3 nautical miles from any island or the mainland of Alaska. They believe that William H. Seward did not purchase Alaska for the Alaska Commercial Company, but for the whole nation. These fishermen from New England demand as a right that they be permitted to pursue their honourable business in the American waters of the North Pacific, Behring's Sea, and the Arctic without being treated as criminals and hunted down and seized and imprisoned by the piratical Revenue cutters of the United States, at the dictation and for the sole benefit of the Alaska Commercial Company. These fishermen already here, and the colonies which will be here next year with their fleets of schooners, are of vastly more importance to the American nation than the monopoly of the Alaska Commercial Company. And they have requested me to address you, Senator, and other Senators, respectfully asking you to kindly look into this question, and have it ordered by the Treasury Department that American citizens can take any of the products of the ocean outside of 3 marine miles from any island in Behring's Sea or the coasts of the mainland of Alaska.

Hitherto the outrageous arrogance and assumption of the Alaska Commercial Company has been only met by feeble protests from merchants of San Francisco and a few Portland traders. But now a new order of things is about being inaugurated. An intelligent and valuable class of New England fishermen are coming here to reside among us and become citizens of Oregon, Washington, and Alaska. They know their rights as American citizens, and they are determined to have their rights.

It is time that the farce played by the Alaska Commercial Company was ended, and that the sorry sight of American Revenue cutters hunting down our own citizens for the benefit of that huge monopoly should for ever cease.

I have given this subject careful attention for many years, but have had no occasion to take any particular interest in it until now, and now is the time to speak and act. These determined, energetic fishermen of New England are here, and more coming. All they ask is their right as American citizens to hunt and fish in American waters outside 3 miles from land. Strictly enforce the law prohibiting the taking of seals on the Pribylov Islands; strictly enforce the law prohibiting the introduction of spirits or fire-arms among Indians; but give the fishermen the right to develop the wealth in our waters, encourage them to make new discoveries, aid them in every legal manner to pursue their avocations, and they will prove a new source of wealth to our Pacific States, and add to our population a new and a most desirable element.

I have had the honour, Senator, to address Senator Mitchell and Senator Stanford upon this important question, and if there are any points on which you would like further information, I shall esteem it an honour if you will address me, and I will give you all the information I possess. I want to see Behring's Sea and all American waters open to American fishermen, and I earnestly and respectfully solicit your kind consideration of the question.

I have, &c.

(Signed) JAMES G. SWAN.

The Hon. Joseph N. Dolph,
Senator in Congress from Oregon.

No. 118.

Sir L. West to the Marquis of Salisbury.—(Received April 16.)

My Lord,

Washington, March 31, 1888.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 17th instant, and to inclose herewith copy of a note which I addressed to the Secretary of State in the sense of that despatch, as well as copy of the reply which I have received thereto.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

Inclosure 1 in No. 118.

Sir L. West to Mr. Bayard.

Sir,

Washington, March 26, 1888.

WITH reference to the proposed concerted action by Great Britain, the United States, and other interested Powers, in order to preserve from extermination the fur seals which at certain seasons are found in Behring's Sea, I am requested by the Marquis of Salisbury to inform you that the Russian Ambassador in London has been communicated with on the subject, and that he has referred to his Government for instructions.

But in making this communication to you, I am instructed to state that this action on the part of Her Majesty's Government must not be taken as an admission of the rights of jurisdiction in Behring's Sea exercised there by the United States' authorities during the fishing seasons of 1886-87 and 1887-88, nor as affecting the claims which Her Majesty's Government will have to present on account of the wrongful seizures which have taken place of British vessels engaged in the seal-fishing industry.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

Inclosure 2 in No. 118.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, March 30, 1888.

I HAVE the honour to acknowledge the receipt of your note of the 26th instant, in which you inform the Department that the action of Her Majesty's Government in respect to the proposal of this Government for an arrangement to protect the fur-seal from extermination in Behring's Sea is not to be taken as an admission of the jurisdiction of the United States over Behring's Sea, nor as affecting the claims which Her Majesty's Government will have to present on account of the seizure of certain British vessels in those waters.

I have, &c.

(Signed)

T. F. BAYARD.

No. 119.

Sir L. West to the Marquis of Salisbury.—(Received April 16.)

My Lord,

Washington, April 5, 1888.

WITH reference to my despatch of the 19th March, I have the honour to inclose to your Lordship herewith copy of a Memorandum sent to me by the lawyer engaged

in the case of certain seal-skins ordered to be sold at Sitka, from which your Lordship will perceive that the matter has been satisfactorily adjusted.

I have communicated this Memorandum to the Marquis of Lansdowne.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 119.

Memorandum by Mr. Benjamin.

THE District Judge for Alaska having refused to admit British Columbian claimants to the privileges of the Attorney-General's Order of last December, prescribing that condemned sealing-vessels and cargoes might be released to their late owners, pending appeal, upon supersedeas bonds, with sureties, residing in Alaska, California, Oregon, or Washington Territory (said District Judge contending that the Order related only to the cases of American claimants), I laid before the Attorney-General, on the 31st ultimo, the case of the British owner of 1,400 seal-skins, ordered to be sold under Condemnation Decree at Sitka on the 18th instant, said owner having tendered a valid appeal bond with sureties, residing at San Francisco.

To-day, during my attendance upon the Attorney-General, he sent a joint telegram to the District Judge and the District Attorney at Sitka, advising them that his Order of last December was intended to apply to all claimants, irrespective of nationality.

The telegram will go by mail from Port Townsend, and will reach Sitka before the day of sale in due course.

The Attorney-General expressed his dissatisfaction with the course of the officers at Sitka in putting so narrow a construction upon the original Order.

(Signed) CHARLES F. BENJAMIN,
Counsellor-at-Law.

Washington, April 4, 1888.

No. 120.

Sir L. West to the Marquis of Salisbury.—(Received April 16.)

My Lord,

Washington, April 6, 1888.

WITH reference to your Lordship's despatch of the 30th March, I have the honour to inclose herewith copy of a note which I addressed to Mr. Bayard, representing the importance of enabling Her Majesty's Government to contradict the report that orders had been issued by the United States' Government for the capture of British ships fishing in Behring's Sea. I had previously received a communication in the above sense from the Marquis of Lansdowne, and at an interview which I had with the Secretary of State he stated to me that no such orders had been issued, which information I telegraphed to your Lordship on the 3rd instant.

I have since received a further telegram from the Marquis of Lansdowne, copy of which is inclosed, requesting to know whether his Government is to understand that sealers will not be molested except within the marine league from the shore. I accordingly again called on Mr. Bayard, and he repeated to me, in reply to my question in the above sense, that no orders had been issued for the capture of sealers in Behring's Sea. He presumed that the orders I alluded to as having been issued some years ago were instructions under Statute (see 1,956 Revised Statutes) for the regulation of the seal fishery in the waters of Alaska. Pending international negotiations on this subject, he did not think it was expedient to answer my question in so far as it related to the marine league limit, as these negotiations had for object the general protection and preservation of the seal in all waters. He did not wish to see another British or American sealer seized, and hoped that no such seizures would occur.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 120.

*Sir L. West to Mr. Bayard.**Washington, April 2, 1888.*

Sir,

I HAVE the honour to inform you that the Marquis of Salisbury has received intimation from the Canadian Government to the effect that orders have been issued by the United States' Government for the capture of British ships fishing in Behring's Sea, and that he has telegraphed to me to represent earnestly the extreme importance of enabling Her Majesty's Government to contradict this rumour.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

Inclosure 2 in No. 120.

The Marquis of Lansdowne to Sir L. West.

(Telegraphic.)

April 5, 1888.

IN reply to your telegram of the 3rd April, there is an impression here that orders were issued some years ago by United States' Government to Collector at San Francisco for seizure of vessels found in Behring's Sea, and that these orders have never been withdrawn.

May we understand our sealers will not be molested except within the marine league from shore?

No. 121.

*The Marquis of Salisbury to Sir R. Morier.**

Sir,

Foreign Office, April 16, 1888.

THE Russian Ambassador and the United States' Chargé d'Affaires called upon me this afternoon to discuss the question of the seal fisheries in Behring's Sea, which had been brought into prominence by the recent action of the United States.

The United States' Government had expressed a desire that some agreement should be arrived at between the three Governments for the purpose of prohibiting the slaughter of the seals during the time of breeding; and, at my request, M. de Staal had obtained instructions from his Government on that question.

At this preliminary discussion it was decided provisionally, in order to furnish a basis for negotiation, and without definitively pledging our Governments, that the space to be covered by the proposed Convention should be the sea between America and Russia north of the 47th degree of latitude; that the close time should extend from the 15th April to the 1st November; that during that time the slaughter of all seals should be forbidden; and vessels engaged in it should be liable to seizure by the cruisers of any of the three Powers, and should be taken to the port of their own nationality for condemnation; that the traffic in arms, alcohol, and powder should be prohibited in all the islands of those seas; and that, as soon as the three Powers had concluded a Convention, they should join in submitting it for the assent of the other Maritime Powers of the northern seas.

The United States' Chargé d'Affaires was exceedingly earnest in pressing on us the importance of dispatch on account of the inconceivable slaughter that had been and was still going on in these seas. He stated that, in addition to the vast quantity brought to market, it was a common practice for those engaged in the trade to shoot all seals they might meet in the open sea, and that of these a great number sank, so that their skins could not be recovered.

I am, &c.

(Signed)

SALISBURY.

* Also to Sir L. West.

No. 122.

The Marquis of Salisbury to Sir L. West.—(Substance telegraphed.)

Sir,

Foreign Office, April 17, 1888.

HER Majesty's Government have had under consideration the particulars received by them in regard to the claims of British sealing-vessels seized in Behring's Sea, and warned off by the United States' authorities.

They consider that it would be difficult to arrive at a just estimate of the amount of the claims in question without an investigation by a Mixed Commission into the circumstances under which these claims have arisen, which require verification.

I have accordingly to request you to ascertain whether the United States' Government would agree to the appointment of a Mixed Commission, whose functions should be restricted to inquiring whether any compensation is due, and, if so, how much in each case.

I am, &c.
(Signed) SALISBURY.

No. 123.

*Foreign Office to Colonial Office.**

Sir,

Foreign Office, April 20, 1888.

I AM directed by the Marquis of Salisbury to transmit to you a copy of a despatch which his Lordship has addressed to Her Majesty's Ambassador at St. Petersburg and Her Majesty's Minister at Washington,† recording a conversation he has had with the Russian Ambassador and the United States' Chargé d'Affaires at this Court, on the subject of the measures which might be adopted to check the indiscriminate slaughter of seals in Behring's Sea.

I am to request that, in laying the inclosed despatch before Her Majesty's Secretary of State for the Colonies, you will move him to favour Lord Salisbury with any observations he may have to offer upon the proposals discussed therein.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 124.

Colonial Office to Foreign Office.—(Received April 21.)

Sir,

Downing Street, April 20, 1888.

WITH reference to your letter of the 14th instant, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, for any observations which he may have to offer, a copy of a telegram from the Governor-General of Canada respecting the cases of the British sealers captured last year.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 124.

The Marquis of Lansdowne to Lord Knutsford.

(Telegraphic.)

April 18, 1888.

IT seems very desirable time for appeal be extended as long as possible. United States' Government should, in the interim, release vessels and skins on security abide by conditions of negotiations. Owners would desire to appeal as last resort should negotiations fail.

* Also to Board of Trade and Admiralty.

† No. 121.

No. 125.

Sir L. West to the Marquis of Salisbury.—(Received April 23.)

My Lord,

Washington, April 11, 1888.

WITH reference to my despatch of the 6th instant, I have the honour to inclose to your Lordship herewith copy of a private note which I have received from Mr. Bayard, repeating what he had told me on the 6th instant, that no orders had been issued this year for the seizure of British sealing-vessels in Behring's Sea.

I have forwarded copy of Mr. Bayard's note to the Marquis of Lansdowne.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 125.

Mr. Bayard to Sir L. West.

Dear Sir Lionel,

Department of State, Washington, April 10, 1888.

REFERRING to our conversation held on the 6th instant in a personal interview in relation to the Treasury orders for the seizure of British sealing-vessels in Behring's Sea by United States' Revenue cutters, I now repeat, at your request, what I then told you in reply to the memorandum of inquiry by Lord Salisbury, that no orders on the subject referred to had been issued this year by the Treasury Department.

Very truly yours,

(Signed) T. F. BAYARD.

No. 126.

Colonial Office to Foreign Office.—(Received April 24.)

Sir,

Downing Street, April 24, 1888.

WITH reference to the previous correspondence relating to the seizure of British fishing-vessels in Behring's Sea by United States' cruisers, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a confidential despatch received from the Governor-General of Canada, inclosing copies of telegrams which have passed between his Lordship and the Lieutenant-Governor of British Columbia respecting the arming of sealing-vessels to resist capture by the United States' cruisers.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 126.

The Marquis of Lansdowne to Lord Knutsford.

My Lord,

Government House, Ottawa, March 29, 1888.

I HAVE the honour to transmit, for your Lordship's information, copies of telegrams which I have received from the Lieutenant-Governor of British Columbia, dated the 27th and 29th instant, stating that the owners of sealing-vessels now on the point of departure for the Behring's Sea are arming their vessels and crews to resist capture by United States' cruisers. I also inclose a copy of my reply to the former of these telegrams.

I have, &c.

(Signed) LANSDOWNE.

Inclosure 2 in No. 126.

Lieutenant-Governor Nelson to the Marquis of Lansdowne.

(Telegraphic.)

Victoria, British Columbia, March 26, 1888.

MY Government has received information that sealers, on point of departure for Behring's Sea, are arming their vessels and crews to resist capture.

The Marquis of Lansdowne to Lieutenant-Governor Nelson.

(Telegraphic.)

Ottawa, March 27, 1888.

IN reply to your telegram of the 26th, public notice should be issued by your Government, cautioning persons going on sealing expeditions to refrain from assertion of their rights by force, and from taking on board arms and ammunition in excess of their usual requirements. The whole matter forms the subject of diplomatic negotiations now in progress. Any intemperate action in the meanwhile would be most detrimental to British Columbian interests, and might lead to serious complications, and be followed by grave consequences.

Inclosure 4 in No. 126.

Lieutenant-Governor Nelson to the Marquis of Lansdowne.

(Telegraphic.)

Victoria, British Columbia, March 29, 1888.

IT is reported that, with a view to protecting their vessels and property from lawless designs of United States' Government, some persons, fitting out here for sealing, are arming their vessels and crews, and unless protection is afforded by Imperial Government, serious loss of property, and possibly human life, may result. Dominion Government are therefore urged to take such steps for the protection of British interests in Behring's Sea as may be deemed advisable.

No. 127.

Admiralty to Foreign Office.—(Received April 26.)

Sir,

Admiralty, April 25, 1888.

MY Lords Commissioners of the Admiralty have had under their consideration your letter of the 20th instant, inclosing a copy of a despatch, dated the 16th instant, which has been addressed by Lord Salisbury to Her Majesty's Ambassador at St. Petersburg and Her Majesty's Minister at Washington in regard to the adoption of measures to check the indiscriminate slaughter of seals in Behring's Sea.

2. My Lords request that you will state to Lord Salisbury that their Lordships full concur in the views set forth in the inclosure to your letter now under reply.

I am, &c.

(Signed) EVAN MACGREGOR.

No. 128.

Colonial Office to Foreign Office.—(Received April 26.)

Sir,

Downing Street, April 25, 1888.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 20th instant, transmitting a copy of a despatch addressed to Her Majesty's Ambassador at St. Petersburg respecting the proposed establishment of a close time for seals in Behring's Sea.*

In reply, I am to inclose, for the information of the Marquis of Salisbury, a copy of the extender of a telegram which was sent to the Governor-General of Canada, on his Lordship's suggestion, inquiring whether the Dominion Government were aware of any objection to the proposed arrangement.

I am also to inclose a copy of a despatch from Lord Lansdowne, in the two concluding paragraphs of which he points out that the probable effect of the proposed close time on the operations of the Canadian sealers would be to exclude them completely from the rights which they have until lately enjoyed without question or molestation.

In these circumstances, it is probable that the United States' proposals may not be

accepted by Canada without reserve, and Lord Knutsford would suggest that, pending the receipt of the observations of the Dominion Government in response to the invitation contained in his despatch of the 8th March, referred to by Lord Lansdowne, no final action should be taken in the matter.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 128.

Lord Knutsford to the Marquis of Lansdowne.

My Lord,

Downing Street, April 21, 1888.

I HAVE the honour to acquaint you that I have this day telegraphed to you, with reference to your despatch of the 9th instant, that negotiations are proceeding between Russia, the United States, and Great Britain with regard to the establishment of a close time, during which it would be unlawful to kill seals at sea, in any manner, to the north of the 47th parallel of latitude between the coasts of Russia and America, and inquired whether your Government was aware of any objection to the proposed arrangement.

I added that, of course, as regards Canadian waters, Canadian legislation would be necessary.

I have, &c.
(Signed) KNUTSFORD.

Inclosure 2 in No. 128.

The Marquis of Lansdowne to Lord Knutsford.

(Extract.)

Government House, Ottawa, April 9, 1888.

IN reference to my despatch of the 29th March, I have the honour to inclose herewith copy of a telegram, dated the 5th instant, from the Attorney-General of British Columbia to Sir John Macdonald, acquainting him that my telegram, of which a copy was sent to you in the above despatch, had been published in the provincial press as a warning to sealing-vessels, and that there was reason to believe that these vessels had, in consequence of the intimation thus given, ceased to arm themselves for the purpose of resisting the cruisers of the United States.

I have forwarded to you by this mail copies of a telegram received from Sir L. West in reference to the probable action of these cruisers during the present season, and of a telegram addressed to him by me in reply.

I observe that the information obtained by Sir Lionel West from Mr. Bayard, which is the same as that communicated to me in your telegraphic despatch of the 6th instant, is merely to the effect that no orders have been issued by the United States for the capture of British ships fishing in the Behring's Sea. I need scarcely point out that this is not equivalent to an assurance that such vessels will not be molested except when found within the 3-mile limit, and that we are not informed whether any orders which have been already issued in this connection are or are not still in force.

I need scarcely point out that the close time for seals, referred to in your telegram, is created under a Statute of the United States, which is not obligatory except upon the subjects of that Power. The proposal contained in the inclosure to your Confidential despatch of the 8th March, 1888, for the adoption of a similar close season by British fishermen is at present receiving the careful consideration of my Government. Such a close time could obviously not be imposed upon our fishermen without notice or without a fuller discussion than it has yet undergone. You are aware that, during the close time enforced by the United States' Statute, the seals, although protected from slaughter by the use of firearms, may be killed in great numbers on their breeding-grounds by the persons who enjoy the monopoly of the trade under Concessions from the United States' Government. The rest of the year these animals are, according to Mr. Bayard's statement in his despatch of the 7th February, 1888, "supposed to spend in the open sea south of the Aleutian Islands," where they are probably widely scattered and difficult to find. It would appear to follow that, if concurrent regulations based upon the American Law were to be adopted by Great Britain and the United States, the privileges enjoyed by the citizens of the latter Power would be little if at all curtailed, while British fishermen

would find themselves completely excluded from the rights which until lately they have enjoyed without question or molestation.

In making this observation I do not desire to intimate that my Government would be averse to entering into a reasonable agreement for protecting the fur-bearing animals of the Pacific coast from extermination, but merely that a one-sided restriction such as that which appeared to be suggested in your telegram could not be suddenly and arbitrarily enforced by my Government upon the fishermen or this country.

I have, &c.

(Signed) LANSDOWNE.

Inclosure 3 in No. 128.

Mr. J. Robson to Sir J. Macdonald.

(Telegraphic.)

Victoria, April 5, 1888.

AS a warning, Lord Lansdowne's telegram to Lieutenant-Governor was published on 29th ultimo, and, I believe, arming has been discontinued, but to avert serious trouble assurance of protection continues [?] essential.

No. 129.

Colonial Office to Foreign Office.—Received April 28.)

Sir,

Downing Street, April 27, 1888.

WITH reference to the letter from this Department of the 25th instant, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a telegram from the Governor-General of Canada, explaining the views of the Dominion Government with regard to the establishment of a close time for seals in Behring's Sea.

Lord Knutsford would be glad to know what reply, if any, Lord Salisbury thinks should be sent.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure in No. 129.

The Marquis of Lansdowne to Lord Knutsford.

(Telegraphic.)

(Received at the Colonial Office, April 25, 1888, 10.10 P.M.)

IF proved to be necessary, Canadian Government will be ready to join other Governments in adopting steps to prevent extermination of fur-seals in Northern Pacific Ocean, but, before final agreement, desires full information and opportunity for considering operation of proposed close time.

Establishment of close time at sea only would give virtual monopoly of seal fisheries to Russia and United States; the latter Power owns the most important breeding places, in which close time would not operate.

Rights should be reserved for Canada of terminating arrangement after sufficient notice, not exceeding two years.

No. 130.

The Marquis of Salisbury to Sir L. West.—(Substance telegraphed.)

Sir,

Foreign Office, April 29, 1888.

WITH reference to Lord Lansdowne's despatch of the 21st March,* respecting the Behring's Sea question, a copy of which was forwarded to you by his Excellency, I have to request that you will propose to the United States' Government that the limit of time fixed for the prosecution of the appeals in regard to the seizures of British

* See No. 114.

sealing-vessels should be extended by consent for such a period as may allow of the claims in question being settled by diplomatic negotiation without prejudice to the ultimate legal remedy by appeal if such negotiation should not be successful. You should also propose that the vessels and skins should be in the meanwhile at once released on security.

The stipulation made by the American Court that the sureties should be American citizens resident in the States is objected to by some of the Canadian defendants, but this condition appears to me to be reasonable.

I am, &c.
(Signed) SALISBURY.

No. 131.

Sir L. West to the Marquis of Salisbury.—(Received April 30.)

My Lord,

Washington, April 19, 1888.

UPON the receipt of your Lordship's telegram of the 17th instant I addressed a *note verbale* to Mr. Bayard, copy of which is inclosed, in order to ascertain whether the United States' Government would agree to a Commission to inquire into the claims of British sealing-vessels seized and warned off by the United States' authorities in Behring's Sea. I handed this note myself to Mr. Bayard, who read it, and remarked that from what had passed in the Fisheries Conference he had been led to believe that these claims would be held over. He would, however, answer my communication.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 131.

Note Verbale.

HER Majesty's Government have just received the particulars of the claims for compensation on account of British sealers seized and warned off by the United States' authorities in Behring's Sea. A just assessment of these claims appears to them difficult, without investigation and verification, and they therefore wish to ascertain whether the United States' Government would be disposed to agree to a Commission which should be restricted to inquiring in each case whether compensation is due, and the amount of such compensation.

Washington, April 18, 1888.

No. 132.

Board of Trade to Foreign Office.—(Received May 5.)

Sir,

Board of Trade, London, May 4, 1888.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 20th ultimo, in which you transmit copy of a despatch addressed by the Marquis of Salisbury to Her Majesty's Ambassador at St. Petersburg and Her Majesty's Minister at Washington, recording a conversation which his Lordship has had with the Russian Ambassador and the United States' Chargé d'Affaires at this Court on the subject of adopting measures with a view to check the indiscriminate slaughter of seals in Behring's Sea.

With reference to the concluding paragraph of your letter, I am to request that you will state to Lord Salisbury that the Board of Trade have no information to enable them to speak with confidence on the subject, but that, so far as they are in a position to judge, they would be disposed to regard favourably the proposals indicated by you as a basis for negotiation, and which contemplate restrictions partly in analogy with those already constituting a close time for the seal fishery of the Greenland Sea, where, however, the valuable fur-seals for which the Behring's Sea is noted are not found.

At the same time, it may be supposed that the Western British Colonies in North

America would be interested in the matter, and they might be prepared to criticize the proposals in question for reasons with which this Department is not acquainted.

I have, &c.

(Signed) HENRY G. CALCRAFT.

No. 133.

Sir L. West to the Marquis of Salisbury.—(Received May 14.)

My Lord,

Washington, April 22, 1888.

WITH reference to my despatch of the 19th instant, I have the honour to inclose to your Lordship herewith a copy of a *note verbale* which I have received in reply to the one which I addressed to Mr. Bayard, copy of which was inclosed in that despatch, stating that, in the cases of British vessels seized in Behring's Sea, it is preferable to await the judgment of the Appellate Court in the premises.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 133.

Note Verbale.

RESPONDING to the *note verbale* of Sir L. West, dated the 18th instant, it is suggested, on behalf of the United States, that, as the cases of seizure of British sealing-vessels in Behring's Sea therein referred to are now in Court pending an appeal from a judicial decision, it is preferable to await the judgment of the Appellate Court in the premises.

Washington, April 21, 1888.

No. 134.

Sir L. West to the Marquis of Salisbury.—(Received May 14.)

My Lord,

Washington, May 1, 1888.

I HAVE the honour to acknowledge the receipt of your Lordship's telegram of the 29th ultimo, and to inclose to your Lordship herewith a copy of a note which I addressed to the Secretary of State, in the sense conveyed therein, on the subject of the cases of British vessels seized in Behring's Sea, upon which appeals are pending.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 134.

Sir L. West to Mr. Bayard.

Sir,

Washington, April 30, 1888.

WITH reference to pending legal proceedings in the cases of British vessels seized by the United States' authorities in Behring's Sea, I have the honour to inform you that I am instructed by the Marquis of Salisbury to propose to the United States' Government that the time limited for the prosecution of the appeals in these cases should, by consent, be extended for such a period as may permit of a settlement of the claims in question by diplomatic negotiation, without prejudice to the ultimate legal remedy by appeal, should such negotiation be unsuccessful, and that the vessels and skins should be at once released on security.

It is understood, indeed, that permission has actually been given to the owners of these vessels to bond them pending appeal, provided the sureties are citizens of the United States and resident therein, and, under these circumstances, the proposal for an extension of the time limited for such appeal is submitted in view of any diplomatic negotiations which may ensue, having for object the satisfactory adjustment of all matters connected with these cases.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 135.

Colonial Office to Foreign Office.—(Received May 14.)

Sir,

Downing Street, May 12, 1888.

I AM directed by Lord Knutsford to transmit to you a copy of the telegram which was addressed to the Governor-General of Canada upon the question of the proposed close time for seals in Behring's Sea, together with a copy of the reply which has now been received from the Governor-General, and which I am to request may be laid before the Marquis of Salisbury.

I am, &c.

(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 135.

Lord Knutsford to the Marquis of Lansdowne.

(Telegraphic.)

Downing Street, May 9, 1888.

BEHRING'S SEA close time for seals.

With reference to your telegram 25th April, would objections of your Government be met if proposal to take 50th degree north latitude be reverted to instead of 47th?

Inclosure 2 in No. 135.

The Marquis of Lansdowne to Lord Knutsford.

(Telegraphic.)

May 11, 1888.

I HAVE received your cablegram of the 9th instant. The objections of the Canadian Government would not be removed by the substitution of the 50th instead of the 47th parallel. A Report on close time question is in course of preparation. My Government hopes that no decision will be taken until you are in possession of it.

No. 136.

Sir L. West to the Marquis of Salisbury.—(Received June 11.)

(Extract.)

Washington, May 30, 1888.

WITH reference to my despatch of the 1st instant, I have the honour to inform your Lordship that at Mr. Bayard's request I called upon him, and he then remarked to me, with reference to my note of the 30th April, that he was not aware that there were any vessels or skins held at the present moment.

With regard to extending the time limited for appeal, he said that he had consulted with the Attorney-General, and that he had found that it was not in the power of the Executive to intervene in the matter. Having given me this explanation, he said he would reply to my note in this sense.

P.S.—I subjoin copy of the reply to my note of the 30th April, which I have just received.

Inclosure in No. 136.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, May 28, 1888.

I HAVE the honour to acknowledge your notes of the 30th ultimo and the 25th instant, both relating to the appeals taken in the Judicial Courts in Alaska from decrees in cases of British vessels seized by the United States' Revenue officials in Behring's Sea, under charges of having violated the laws of the United States regulating the killing of fur-seals.

I must excuse myself for the delay in making reply to your note of the 30th April, which was caused by my desire to obtain from you a verbal explanation of what appeared to me an inadvertent expression contained therein, from which it appeared that the "skippers" were held under arrest as well as the sealing-vessels.

In my personal interview with you to-day it became mutually understood that there

has been and is no such personal detention in any of the cases, but the proceedings have all been *in rem* against the vessels so employed and their outfits.

The suggestion of the Marquis of Salisbury that the time limited for prosecution of the appeals (entered already or proposed to be entered) in the cases referred to, in order to give an opportunity for a diplomatic settlement [*sic*], will meet with favourable consideration within the limits of statutory provision in relation to the docketing and prosecution of appeals.

While it is not within the power of the Executive Branch to alter or extend the statutory limitation in respect of the time of entering such appeals, yet as far as agreement of both parties may prevail in procuring postponements of the arguments and pleadings, after the appeal has been duly taken, I apprehend that there will be every disposition on the part of the prosecution to give time for diplomatic arrangement.

Accept, &c.

(Signed) T. F. BAYARD.

No. 137.

Extract from Russian Memorandum regarding Hunting of Seals.—(Communicated by M. de Staal to the Marquis of Salisbury, July 25, 1888.)

LES endroits où se pratique la chasse aux otaries peuvent se diviser en deux groupes distincts :—

	Nombre des Otaries tuées en 1885.
Le premier groupe comprendrait—	
Les Iles Pribyloff dans la Mer de Behring	100,000
Les Iles du Commandeur (les Iles de Behring et de Cuivre) ..	45,000
L'Ile des Phoques (Mer Okhotsk)	4,000
	149,000
Le deuxième groupe—	
La mer près des côtes de Victoria	20,000
Lobas	15,000
Les îles près du Cap Horn et la Mer Polaire du Sud ..	10,000
Le Cap de Bonne-Espérance	5,000
Les Iles Japonaises	7,000
	57,000

Dans le premier groupe le nombre des otaries tuées tous les ans est de beaucoup plus important que dans le deuxième groupe. La chasse s'y pratique sur des bases rationnelles, c'est-à-dire qu'on n'y tue que les otaries qui répondent aux exigences du commerce : d'une certaine taille et du sexe mâle et à l'époque de l'année où la fourrure a le plus de valeur commerciale. En outre, la chasse s'y règle de façon que le nombre des otaries qui fréquentent ces îles, loin de diminuer, augmente tous les ans.

Dans le deuxième groupe, la chasse a lieu sans aucun système ; on y tue les otaries mâles et femelles de tout âge sans tenir compte des époques de l'année. Ce mode d'extermination et le manque de lois protectrices font craindre la disparition complète des otaries de ces parages. Comme preuve on cite des endroits appartenant à ce deuxième groupe où jadis on trouvait des millions de ces phocacés et où maintenant on en tue à peine quelques milliers.

La période qui suivit l'expiration de la Concession accordée à la Compagnie Russo-Américaine pour l'exploitation de la chasse sur les Iles Pribyloff et du Commandeur a clairement démontré tout le mal qu'une chasse libre pourrait faire au développement et à la multiplication des otaries. Après l'expiration de cette Concession les îles devinrent la proie du premier venu et les chiffres qui suivent démontrent la progression énorme qu'a subi le nombre des otaries exterminées pendant ces deux années :—

En 1867, le nombre des otaries tuées sur les Isles Pribyloff était de 40,000 ; en 1868, de 242,000 ; et en 1869, de 87,000.

Sur les Iles du Commandeur on avait tué l'année 1867, 4,000 otaries ; l'année 1868, 12,000 ; l'année 1869, 21,000 ; et l'année 1870, 27,000.

Ce n'est que l'éloignement de ces îles des contrées habitées et le nombre minime de la population locale qui a empêché la destruction complète de ces phocacés.

Pour mettre fin à ces abus, le Gouvernement des États-Unis d'Amérique concéda en 1870 à la Compagnie de Commerce d'Alaska le droit d'exploiter la chasse des otaries sur les îles Pribyloff pendant vingt ans.

La même Compagnie, mais sous un autre nom, obtint une autorisation analogue du Gouvernement Russe pour la chasse des otaries sur les Îles du Commandeur et des Phoques, pour la même période de vingt ans, à partir du 18 Février, 1871.

Ainsi, nous voyons qu'un monopole privé a été concédé sur les îles fréquentées par les otaries trois ans à peine après l'expiration de celui de la Compagnie Russo-Américaine.

Ce monopole a été reconnu nécessaire pour les deux Gouvernements à la suite des conclusions des Commissions Russe et Américaine, instituées dans le but d'étudier la question de la chasse aux otaries et le moyen de préserver ces animaux d'une destruction complète.

D'après le Contrat par le Gouvernement Russe, le nombre des otaries que la Compagnie a le droit de tuer est réglé chaque année par les autorités Russes locales. La chasse ne peut être pratiquée que par les indigènes, excepté sur l'île des Phoques, où la Compagnie peut employer ses propres chasseurs, l'île n'étant pas habitée.

En échange de chaque peau la Compagnie doit payer aux indigènes un certain prix prévu par le Contrat. L'époque de la chasse est strictement limitée.

Ce qui fait le plus de tort au développement du nombre des otaries c'est la chasse illicite qui se pratique tant en pleine mer que sur les îles Japonaises et quelquefois sur l'île des Phoques après le départ du bâtiment de la Compagnie, ce qui arrive généralement vers la mi-Octobre. D'après les Rapports des Douanes Japonaises il a été importé au Japon, pendant l'année 1884, 3,400 peaux d'otaries résultant de ce genre de braconnage; ce qui ferait 50 pour cent sur toutes les fourrures d'otaries exportées du Japon.

Jusqu'à 1862 il n'existait pas dans ce pays de loi prohibant la chasse des otaries. En 1862 une Loi défendant cette chasse a été promulguée sans effet, les îles n'étant pas suffisamment gardées contre l'invasion des braconniers.

En automne les otaries quittent la terre ferme et se dirigent au sud des îles Aléoutes, où elles séjournent le reste de l'année en pleine mer. C'est alors qu'elles sont exposées aux attaques des navires armés en chasse qui les détruisent par tous les moyens: armes à feu, filets, harpons, &c., sans distinction entre les mâles et les femelles pleines. Il n'y a qu'un tiers seulement des animaux tués de la sorte qui est utilisé, le reste se perd sans le moindre profit. C'est à ce genre de procédé qu'on attribue la disparition à peu près complète des otaries sur les côtes du Chili et de l'Afrique Méridionale, ainsi que sur les îles de Falkland.

On a peur que le même sort ne soit réservé aux îles de la Mer de Behring, à moins que des mesures efficaces ne soient adoptées à bref délai pour protéger les otaries.

(Translation.)

THE places where fur-seal hunting takes place can be divided into two distinct groups:—

	Number of Fur-Seals killed in 1885.
The first group would include—	
The Pribyloff Islands in Behring's Sea	100,000
The Commander Islands (Behring and Copper Islands) ..	45,000
The Seal Islands (Sea of Okhotsk)	4,000
	149,000
The second group—	
The sea adjoining the coasts of Victoria	20,000
Lobas	15,000
The islands near Cape Horn and the South Polar Sea ..	10,000
The Cape of Good Hope	5,000
The Japanese Islands	7,000
	57,000

In the first group the number of fur-seals killed annually is much larger than in the second group.

Hunting is conducted on rational bases, *i.e.*, that only such fur-seals are killed as are useful for commercial purposes, seals of a certain size, of the male sex, and at a time of year when the fur has the most commercial value. In addition, the hunting is regulated in such a way that the number of fur-seals which frequent the islands, far from diminishing, increases every year.

In the second group hunting is carried on under no system. Male and female fur-seals of every age are killed, without regard to the season of the year. In consequence of this destructive method, and the absence of protective laws, the complete disappearance of the fur-seals from these shores is to be apprehended. As a proof, it is stated that millions of fur-seals were found formerly in places in the second group where but a few thousands are killed now.

The period which followed the expiration of the Concession accorded to the Russo-American Company for hunting on the Pribyloff and Commander Islands clearly showed the injurious effect of unrestricted hunting on the development and multiplication of fur-seals. After the expiration of this Concession the islands became a prey to the first comer, and the following figures show the enormous increase in the number of fur-seals exterminated during these two years:—

In 1867 the number of fur-seals killed on the Pribyloff Islands was 40,000; in 1868, 242,000; and in 1869, 87,000.

On the Commander Islands 4,000 fur-seals were killed in 1867; 12,000 in 1868; 21,000 in 1869; and 27,000 in 1870.

The complete extermination of the seal species was only prevented by the distance of these islands from inhabited countries, and the limited numbers of the local population.

To put an end to these abuses the United States' Government conceded, in 1870, to the Commercial Company of Alaska the right to fur-seal hunting on the Pribyloff Islands for twenty years.

The same Company, under a different name, obtained a similar authorization from the Russian Government to hunt fur-seals on the Commander and Seal Islands for the same period of twenty years from the 18th February, 1871.

It is thus seen that a private monopoly was conceded on the islands frequented by the fur-seals hardly three years after the expiration of that of the Russo-American Company.

This monopoly was recognized to be necessary by the two Governments in consequence of the conclusions of the Russian and American Commissions which were appointed for the purpose of examining the question of fur-seal hunting and the means of preserving these animals from complete destruction.

According to the terms of the Russian Contract, the number of seals which the Company has the right of killing is regulated every year by the local Russian authorities. Hunting can only be carried on by the inhabitants, except on Seal Island, where the Company can employ its own hunters, the island being uninhabited.

In exchange for each skin the Company must pay the natives a certain price as provided for in the Contract. The season of hunting is strictly limited.

What most hinders the increase of the fur-seals is the illicit hunting which takes place in the open sea, as well as on the Japanese Islands and sometimes on Seal Island after the departure of the Company's ship, which takes place generally about the middle of October. According to the Japanese Customs Reports, 3,400 fur-seal skins, which represent the produce of this kind of poaching, were imported into Japan in 1884, which amounts to 50 per cent. of all the seal-furs exported from Japan.

Till 1862 there was no law in this country prohibiting fur-seal hunting. In 1862 a Law was passed forbidding it, but without effect, as the islands were not sufficiently defended against the inroads of poachers.

In the autumn the fur-seals leave the land and make for the south of the Aleutian Islands, where they stay for the rest of the year in the open sea. It is then that they are exposed to the attacks of ships equipped for the hunt which destroy them by every means, fire-arms, nets, harpoons, &c., without distinguishing males from females with young. Only a third of the animals killed in this way are utilized; the rest are lost without any profit. It is to these proceedings that the almost complete disappearance of fur-seals from the coasts of Chile and South Africa, as well as from the Falkland Islands, is to be attributed.

It is to be feared that the same fate is reserved for the islands of the Behring's Sea unless efficacious measures are shortly adopted to protect the fur-seals.

No. 138.

*Colonial Office to Foreign Office.—(Received July 26.)*Sir, *Downing Street, July 25, 1888.*

WITH reference to previous correspondence respecting the seizure of British sealing-vessels in the Behring's Sea, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, with its inclosures, relating to the circumstances in which the schooner "W. P. Sayward" was released under bond at Sitka.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 138.

*Lord Stanley of Preston to Lord Knutsford.*My Lord, *Cascapedia River, New Richmond, June 25, 1888.*

WITH reference to previous correspondence upon the subject, I have the honour to transmit to your Lordship a copy of an approved Minute of the Privy Council of Canada submitting a copy of a letter from the attorney of Captain J. D. Warren with reference to the circumstances under which the seized sealing-schooner "W. P. Sayward" was released under bond at Sitka.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 138.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 21st June, 1888.

ON a Memorandum dated the 9th June, 1888, from the Minister of Marine and Fisheries, submitting the accompanying letter from the attorney of Mr. J. D. Warren with reference to the circumstances under which the seized sealing-schooner "W. P. Sayward" was released under bond at Sitka, and recommending that the same be forwarded to the Principal Secretary of State for the Colonies for the information of Her Majesty's Government.

The Committee advise that your Excellency be moved to forward a copy hereof to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council.

Inclosure 3 in No. 138.

*Mr. Belyea to Mr. Tilton.*Dear Sir, *Ottawa, Ontario, May 23, 1888.*

I AM in receipt of a letter from Captain J. D. Warren, of Victoria, British Columbia, under date the 15th instant, in which he informs me of the circumstances under which the seized sealing-schooner "W. P. Sayward" was released under bond. He had gone to Sitka to secure, if possible, the release of all the schooners seized in 1887, viz.: the "Grace," "Dolphin," "Anna Beck," "W. P. Sayward," and "Ada." The bond on release was conditioned on prosecuting an appeal from the Alaska District Court to the Supreme Court of the United States. The formal motion thus became one "for leave to perfect an appeal," and such motion for each of the vessels was made on the 14th April last before Judge Dawson at Sitka, and in every case refused, on the grounds that the time for allowing an appeal had expired. Captain Warren's counsel then applied for a record of the order refusing leave to appeal. This was on Saturday.

On Monday following, the 16th April, without any application therefor by the defendant or any one on his behalf, Judge Dawson offered to rescind the order of Saturday in the case of the "W. P. Sayward," and release her to her owners. She was

then lying at Puget's Sound, under an order for sale on that day, the offer was accepted (contrary, as Captain Warren says, to the expectations of the United States' authorities at Sitka), and the order of the previous Saturday rescinded and leave granted to appeal.

I am not informed as to the amount of the bond.

The United States' Marshal at Sitka has been ordered to take remaining schooners, viz., the "Grace," "Dolphin," "Anna Beck," and "Ada," to Puget's Sound for immediate sale.

The schooners "Thornton," "Onward," and "Carolena," seized in 1886 and left at Ounalaska, have been, as you are aware, offered to the owners as they now are. All three are high up on the beach and practically worthless. The United States' authorities sold everything in and on these vessels that would bring a dollar, and then attempted to contract the taking of the hulls to San Francisco to be there sold.

Finding this would cost more than the damaged hulls would sell for, they offered to give the vessels up to their owners, and had an order to that effect issued.

Captain Warren says it is out of the question to go to Ounalaska for these vessels.

I may add that the "Sayward" is now in possession of her owners.

Very faithfully, &c.

(Signed) A. L. BELYEA,
Attorney for J. D. Warren.

No. 139.

Mr. Phelps to the Marquis of Salisbury.—(Received July 30.)

My Lord,

Legation of the United States, London, July 28, 1888.

I BEG to recall your Lordship's attention to the subject of the proposed Convention between the Governments of the United States, Great Britain, and Russia for the protection of the seal fisheries in Behring's Sea. A considerable time has now elapsed since the last conversation I had the honour to have with your Lordship in regard to it, when it was mutually believed that an early agreement might be arrived at.

I am sure your Lordship will concur with me in conceiving it to be for the interest of all parties that a conclusion should be reached as soon as possible. And my Government instructs me respectfully to urge upon Her Majesty's Government the propriety, under existing circumstances, of immediate action.

I understand the Russian Government to be prepared to concur in the proposed Convention as soon as the other Governments concerned are ready to assent to it.

I have, &c.

(Signed) E. J. PHELPS.

No. 140.

Colonial Office to Foreign Office.—(Received August 1.)

Sir,

Downing Street, August 1, 1888.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a telegram received from the Governor-General of Canada respecting the proposed sale by the United States' authorities of the sealing-vessels "Anna Beck," "Dolphin," "Grace," and "Ada," seized last year in Behring's Sea.

Lord Salisbury will observe that the Government of Canada urge that the United States' Government may be requested by Her Majesty's Government to postpone the sale of the condemned vessels pending the settlement of the question as to the legality of their seizure.

Lord Knutsford trusts that Lord Salisbury will, as soon as practicable, make such communication as may be proper to the United States' Government with a view to give effect to the wishes of the Dominion Government.

It will be seen that the matter is urgent.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure in No. 140.

Lord Stanley of Preston to Lord Knutsford.

July 30, 1888.

(Telegraphic.)

THE sealing-schooners "Anna Beck," "Dolphin," "Grace," and "Ada," which were seized in 1887 in the Behring's Sea, are now being removed to Port Townsend, Puget Sound, from Sitka, in order to be sold by the United States' Marshal of Alaska. The Judge of the District Court of Alaska has declined to permit the owners to bond the vessels, giving as a reason that their application is too late. My Ministers recommend that the Imperial Government be moved to ask for the interposition of the United States' Government for a postponement of the sale of the condemned vessels pending the settlement of the question concerning the legality of their seizure. Pray obtain this if possible. On account of time the question is urgent.

No. 141.

The Marquis of Salisbury to Sir L. West.—(Substance telegraphed.)

Sir,

Foreign Office, August 2, 1888.

THE Governor-General of Canada has informed the Secretary of State for the Colonies, by telegraph, that the sealing-vessels "Anna Beck," "Dolphin," "Grace," and "Ada," which were seized last year in Behring's Sea by the United States' authorities, are now being taken to Port Townsend for sale by the United States' Marshal of Alaska, and that the Judge of the Alaska District Court has refused to allow the owners to bond their vessels, giving as his reason that the application for permission to do so was made too late.

I have to request you to ask the United States' Government to postpone the sale of these vessels until the question as to the legality of their seizure has been settled.

I am, &c.

(Signed) SALISBURY.

No. 142.

The Marquis of Salisbury to Mr. Phelps.

Sir,

Foreign Office, August 2, 1888.

I HAVE the honour to acknowledge the receipt of your letter of the 28th ultimo, calling attention to the question of the proposed Convention between this country, the United States, and Russia for the protection of the seal fisheries in Behring's Sea, and I beg leave to say that I hope shortly to be able to address to you a further communication on the subject.

I have, &c.

(Signed) SALISBURY.

No. 143.

Foreign Office to Colonial Office.

Sir,

Foreign Office, August 2, 1888.

REFERRING to your letter of the 15th June last, inclosing copies of a telegraphic correspondence with the Governor-General of Canada in regard to the question of the proposed International Convention for the protection of the fur-bearing seals in Behring's Sea, I am directed by the Marquis of Salisbury to transmit herewith a copy of a letter from Mr. Phelps,* in which, by direction of his Government, he urges the propriety of reaching a conclusion on the subject.

I am to request that, in laying this letter before Secretary Lord Knutsford, you will move him to give as early a consideration as possible to Mr. Phelps' communication.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 144.

Foreign Office to Colonial Office.

Sir,

Foreign Office, August 3, 1888.

I LAID before the Marquis of Salisbury your letter of the 1st instant, inclosing a telegram from the Governor-General of Canada reporting the intention of the United States' authorities to sell the sealing-vessels "Anna Beck," "Dolphin," "Grace," and "Ada," seized last year in Behring's Sea.

I am directed by his Lordship to state that, in accordance with Lord Knutsford's desire, Her Majesty's Minister at Washington was instructed by telegraph on the 2nd instant to ask the United States' Government to postpone the sale of these vessels pending a settlement of the question as to the legality of the seizure.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 145.

Colonial Office to Foreign Office.—(Received August 10.)

Sir,

Downing Street, August 10, 1888.

IN reply to your letter of the 2nd instant, forwarding a note from the American Minister at this Court urging the early consideration of the question of establishing a close time for seals in Behring's Sea, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, copy of telegraphic correspondence with the Governor-General of Canada on the subject.

The Report referred to in the telegram from Lord Stanley of Preston will probably be received on the 14th instant, and will be communicated to you without delay.

I am, &c.

(Signed) R. H. MEADE.

Inclosure 1 in No. 145.

Lord Knutsford to Lord Stanley of Preston.

(Telegraphic.)

Downing Street, August 8, 1888.

UNITED STATES' Government pressing for early reply question of close time Behring's Sea. When may Report be expected from your Ministers?

Inclosure 2 in No. 145.

Lord Stanley of Preston to Lord Knutsford.

(Telegraphic.)

August 9, 1888.

I SENT last Monday Report asked for in your Lordship's telegram 8th August.

No. 146.

Colonial Office to Foreign Office.—(Received August 10.)

Sir,

Downing Street, August 10, 1888.

WITH reference to your letter of the 3rd instant, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, copies of further telegraphic correspondence with the Governor-General of Canada respecting the sale of the vessels seized in Behring's Sea last year, and now lying at Port Townsend.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 146.

Lord Stanley of Preston to Lord Knutsford.

(Telegraphic.)

August 4, 1888.

WITH reference to my telegram of the 30th July, I am informed by the Minister of Fisheries that the schooners "Dolphin," "Grace," "Ada," and "Anna Beck" will be sold at Port Townsend, in Washington Territory, on the 22nd August.

Immediate intervention of Home Government, as previously asked for, is earnestly requested.

Inclosure 2 in No. 146.

Lord Knutsford to Lord Stanley of Preston.

(Telegraphic.)

Downing Street, August 7, 1888.

I HAVE received your telegram of 4th August. Instructions sent 2nd August to Her Majesty's Minister at Washington to ask United States' Government that, pending settlement of question of legality of seizure, sale of vessels might be postponed.

No. 147.

Colonial Office to Foreign Office.—(Received August 18.)

Sir,

Downing Street, August 18, 1888.

WITH reference to the letter from this Department of the 10th instant, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, forwarding a Minute of his Privy Council on the subject of the proposal of the United States' Government for the establishment of a close time for seals in Behring's Sea.

In view of the explanations of the Dominion Government, which state very clearly the strong objections to the proposed close season, it appears to Lord Knutsford that it will be necessary for the United States' Government to make some modified proposal if the negotiations are to have any useful result.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 147.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

Citadel, Quebec, August 3, 1888.

WITH reference to your Lordship's despatch of the 8th March last, transmitting a copy of a letter from the Foreign Office, with a note from the American Minister in London, submitting a proposal for regulating the seal fishing in Behring's Sea, I have the honour to forward herewith a copy of an approved Minute of the Privy Council concurring in a Report of my Minister of Marine and Fisheries protesting against this proposal.

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 147.

Report of a Committee of the Honourable Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 14th July, 1888.

THE Committee of the Privy Council have had under consideration a despatch, dated the 8th March, 1888, from the Right Honourable the Secretary of State for the Colonies, transmitting a copy of a letter from the Foreign Office, with a note from the United States' Minister in London, submitting a proposal from

Mr. Secretary Bayard for the establishment of a close season for the seal fishing in and near Behring's Sea, to extend from the 15th April to the 1st November of each year, and to be operative in the waters lying north of latitude 50° north and between longitude 160° west and 170° east from Greenwich, in which despatch Lord Knutsford asks to be favoured with any observations which the Canadian Government may have to offer on the subject.

The Minister of Marine and Fisheries, to whom the said despatch and inclosures were referred, submits a Report thereon, dated the 7th July, 1888, protesting against Mr. Bayard's proposal as an unjust and unnecessary interference with, or rather prohibition of, rights so long enjoyed to a lawful and remunerative occupation upon the high seas.

The Committee concur in the said Report, and advise that a copy thereof, and of this Minute, if approved, be transmitted by your Excellency to the Right Honourable the Secretary of State for the Colonies.

(Signed)

JOHN J. McGEE, *Clerk,*
Privy Council, Canada.

Inclosure 3 in No. 147.

Minute.

Department of Marine and Fisheries, Canada,
Ottawa, July 7, 1888.

THE Undersigned has the honour to submit, for the consideration of the Governor-General in Council, the following observations in reply to a despatch from Lord Knutsford to Lord Lansdowne, dated the 8th March, 1888, and inclosing a proposal from Mr. Secretary Bayard for the establishment of a close season for the seal fishing in and near Behring's Sea, to extend from the 15th April to the 1st November of each year, and to be operative in the waters lying north of latitude 50° north and between longitude 160° west and longitude 170° east from Greenwich.

Before entering upon the discussion of this proposition, the Minister desires to call attention to a sentence in a letter from Lord Salisbury to Sir L. S. West, dated the 22nd February, 1888, and forming a part of the above-mentioned despatch, in which Lord Salisbury says:—

“The United States' Minister called to-day at the Foreign Office and spoke to me about the question of the fur seals in Behring's Sea. He said that the difficulties in regard to the seal fisheries in that sea were mainly connected with the question of the close time, and that no attempt had been made by the authorities of the United States to stop the fishing there of any vessels at the time when it was legitimate.”

This clearly implies that Lord Salisbury had been led by the United States' Minister to believe that there is a fixed close and open season for the killing of seals in Behring's Sea which is common to all vessels of all nationalities, and that during the open season these may legitimately and without molestation pursue the business of catching seals.

The facts of the case appear to be that within the limits of the Territory of Alaska, which by the United States' contention includes the waters of Behring's Sea as far westward as a line drawn from a point in Behring's Straits south-west to the meridian of longitude 173° west, the killing of fur-bearing animals, amongst which the seal is included, is prohibited by law; that repeated warnings to this effect have been given by the United States' authorities, and that vessels both of Canada and the United States have within the past two years been seized and condemned for killing seals within these waters. It also appears that in the Islands of St. George and St. Paul, during the months of June, July, September, and October of each year, the United States' Government allows the slaughter of seals to the number of 100,000 by certain citizens of that country known as the Alaska Commercial Company, for which monopoly the United States' Government is paid a yearly revenue of more than 300,000 dollars.

At no season of the year, and to no other persons whatever, is it permitted to kill a single seal within what is claimed as the limits of the Territory of Alaska. It is evident, therefore, that there is no part of the year when citizens of any country, with the sole exception of the Alaska Commercial Company, can legitimately kill seals within the limits named; and when Mr. Phelps stated to Lord Salisbury that “no attempt had been made by the authorities of the United States to stop the fishing there

of any vessels at the time when it was legitimate," his statement should be read in conjunction with the fact that there is no period of the year when it is legitimate for any vessels to fish for seals in the waters of Alaska.

The proposal to fix a close time is based by Mr. Bayard upon the alleged necessity of immediate measures to prevent the destruction of the seal fishery in Behring's Sea and the North Pacific Ocean.

It is not clear from any information at present possessed that any pressing and absolute necessity exists for any such measures, so far as shown by the present condition of that fishery in the North Pacific.

From a Report made by the Special United States' Treasury Agent in Alaska,* dated the 31st July, 1887, it appears:—

1. That none but young male seals are allowed to be killed on the Pribyloff Islands, and of these only 100,000 annually.

2. That a careful measurement of the breeding rookeries on St. Paul and St. George Islands showed 6,357,750 seals, exclusive of young males.

3. That 90 per cent. of the pups bred by these go into the water, leaving a mortality of but 10 per cent. at the place of breeding.

4. That fully one-half of the above 90 per cent. of pups returned the following year as yearlings to the rookeries, leaving thus a total mortality of 45 per cent. from various causes at sea.

It needs but a slight consideration of these figures to demonstrate that an addition of millions each year must be made to the surviving seal life in the North Pacific Ocean.

The Agent in his Report says: "This vast number of animals, so valuable to the Government, are still on the increase. The condition of all the rookeries could not be better."

Against the enormous yearly increase of seal life may be placed the average annual slaughter as given in the Memorandum attached to Mr. Bayard's letter, viz., 192,457 for the whole world, or for the seals near to Behring's sea as follows:—

Pribyloff Islands	..	..	..	..	..	..	94,967
Commander Islands and Robbin Reef	..	..	..	..	..	..	41,893
Japan Islands	..	..	..	..	..	..	4,000
North-west coast of America	..	..	..	..	..	..	25,000
Or a total of	..	..	..	..	..	..	165,860

With an annual clear increase of millions, and an annual slaughter of less than 200,000 in the North Pacific Ocean, it surely cannot be contended that there is any necessity for such stringent and exclusive measures as the one proposed in order to preserve the seal fishery from threatened destruction. Not only would it appear that the present rate of catch could be permitted, and a continual increase of the total number of seals be assured, but it would seem that this annual take might be many times multiplied without serious fears of exhaustion so long as the present conditions of breeding on the Pribyloff Islands are preserved.

The time proposed as close months deserves consideration, viz., from the 15th April to the 1st November. For all practical purposes, so far as Canadian sealers are concerned, it might as well read from the 1st January to the 31st December.

It is a well-known fact that seals do not begin to enter the Behring's Sea until the middle or end of May; they have practically all left those waters by the end of October. The establishment of the proposed close season, therefore, prohibits the taking of seals during the whole year. Even in that case, if it were proposed to make this close season operative for all on the Islands of St. Paul and St. George as well as in the waters of the Behring's Sea, it could at least be said that the close time would bear equally on all.

But the United States' Government propose to allow seals to be killed by their own citizens on the rookeries, the only places where they haul out in Alaska, during June, July, September, and October, four of the months of the proposed close season. The result would be that while all others would be prevented from killing a seal in Behring's Sea, the United States would possess a complete monopoly, and the effect would be to render infinitely more valuable and maintain in perpetuity the seal fisheries of the North Pacific for the sole benefit of the United States.

It is to be noted that the area proposed by Mr. Bayard to be affected by the close

* Executive Document No. 31, 50th Congress, 1st Session.

season virtually covers the whole portion of the Behring's Sea in which the exclusive right of sealing has, during 1886 and 1887, been practically maintained by the United States' Government. To this is added a part of the North Pacific Ocean, north 50° of north latitude, and which commands the approach of the seals to the passes leading into Behring's Sea. By the adoption of this area and close season the United States would gain, by consent, what she has for two years held in defiance of international law and the protests of Great Britain and Canada.

And while this area would be held closed to all operations except to those of her own sealers on the Pribyloff Islands, the north-west coast of North America up to the 50th parallel of north latitude and the sealing areas on the north-eastern coast of Asia would be open to her as before.

The device, if successful, would feed and perpetuate the rookeries on St. Paul and St. George Islands, and add immensely to their value, while it cuts off at one blow the most valuable portion of the high seas from all participation by the sealers of all other nations.

It is to be borne in mind that Canada's interest in this industry is a vital and important one, that she has had a very large capital remuneratively employed in it, and that while by the proposed plan the other Powers chiefly interested have their compensations, Canada has none. To her it would mean ruin so far as the sealing industry is concerned.

Mr. Bayard appeals to the Government of Great Britain on the grounds of the labour interested in preparing the seal-skins in London. It is not necessary that the Alaska Commercial Company should do the sole catching of seals in order to retain this advantage to London labourers. The sealskins taken by Canadian sealers find their way to London to be dressed, just as surely as do those taken by the United States' Company. So long as the fishery is not exhausted, London will, other things being equal, retain the advantage she now possesses in this respect. But Mr. Bayard must misapprehend the sense of justice of Her Majesty's Government if he supposes that they would consent to an unjust deprivation of Canadian rights, because of the alleged prospect of perpetuating some small pecuniary advantage to a limited section of her subjects in London. Under this proposal Russia would lose nothing. Her vessels do not now pursue seals in that part of Behring's Sea ceded by her to the United States in 1867. Russia has valuable seal islands of her own: the Commander Islands in Behring's Sea, and Robben Reef in the Okhotsk Sea, on which there are valuable rookeries, and the Russian Government draws a considerable revenue therefrom, as they are under lease to this same Alaska Commercial Company. This part of Behring's Sea does not fall within the proposed closed area.

It has been already shown that the United States would gain largely by the establishment of this close period. From her rookeries on the Pribyloff Islands she draws now a yearly revenue of over 300,000 dollars. This would not only not be interfered with, but would be enormously increased by reason of the perpetual monopoly she would enjoy under the proposed arrangement. But while this is true as to Russia and the United States, Canada would lose the enjoyment of a lucrative right long possessed, and this loss would be fatal to her prosecution of the seal industry, and would be unrelieved by a single compensation.

It is manifest, from a perusal of Mr. Bayard's letter, that the proposition is to prevent the killing of seals during the close time by any process whatever within the area set apart, except, of course, upon the Pribyloff Islands.

Experienced sealers aver that by the present methods of hunting with gun and spear not more than one in ten of the seals struck is lost, and it is not believed that these methods are so destructive as Mr. Bayard alleges.

The method of taking seals by means of the net is not a destructive method, and yet it is proposed to prohibit this as well. It appears, therefore, that what Mr. Bayard intends is to entirely prevent the killing of seals within the area proposed by any methods or by any persons except by the methods employed upon the Pribyloff Islands and by the citizens of the United States, who may, for the time being, enjoy the monopoly of taking seals thereon. Against this unjust and unnecessary interference with, or rather prohibition of, rights so long enjoyed to a lawful and remunerative occupation upon the high seas, the Undersigned begs to enter his most earnest protest.

(Signed)

GEO. E. FOSTER,

Acting Minister of Marine and Fisheries.

Colonial Office to Foreign Office.—(Received August 20.)

Sir, *Downing Street, August 18, 1888.*

WITH reference to the letter from this Department of the 10th instant, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, copies of two despatches from the Governor-General of Canada respecting the proposed sale at Port Townshend of four of the British sealing-vessels captured last year in Behring's Sea.

Lord Knutsford hopes that the Minute of the Canadian Government, inclosed in Lord Stanley of Preston's despatch of the 26th July, will receive Lord Salisbury's attentive consideration.

I am at the same time to request that Her Majesty's Minister at Washington may be desired to report when the appeal to the Supreme Court of the United States in the case of the "W. P. Sayward" is likely to come on, and to report generally on the progress of the case.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 148.

Lord Stanley of Preston to Lord Knutsford.

My Lord, *Citadel, Quebec, July 26, 1888.*

WITH reference to previous correspondence relative to the pending proceedings in the case of Canadian sealing-vessels seized in Behring's Sea, I have the honour to forward to your Lordship an extract of an approved Minute of the Privy Council, based upon Sir L. West's despatch of the 19th March,* a copy of which, together with other correspondence, noted in the margin, is inclosed herewith.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 148.

Extract from a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council, on July 7, 1888.

THE Committee of the Privy Council have had under consideration a despatch dated the 19th March, 1888, from Her Majesty's Minister at Washington, relative to pending proceedings in the cases of Canadian sealers seized in Behring's Sea.

The Sub-Committee of Council to whom the question was referred report as follows:—

In the despatch of the 19th March, 1888, Sir Lionel Sackville West states that the Attorney-General of the United States had intimated that Rule 10 of the practice in Admiralty and Rules of the Supreme Court (1887) make it plain that the confiscated sealing-ships seized in Behring's Sea can be bonded pending appeal; and Sir Lionel Sackville West further states that, as to the question whether such vessels can be bonded without obligation to appeal, he is advised that, since it was agreed in the Conference that the question of damages should be reserved, any such request would open up the whole question of damages on each side.

The Sub-Committee observe that the obligation sought to be imposed upon the owners of the Canadian vessels seized in Behring's Sea of appealing from the decision of the Magistrate of Sitka to the Supreme Court of the United States, is obviously one which cannot with justice or propriety be enforced. Some doubt exists as to the right of appeal, and if it be held that no appeal will lie, the bonds will be forfeited.

Apart from this risk, however, which the owners of the vessels are asked to take upon themselves, it appears that the giving of bonds of such a nature would involve the admission that the Courts of the United States had jurisdiction in regard to the seizures, and that the laws of the United States applied to the cases of these vessels,

* See No. 110.

such propositions could by no means be admitted. The vessels had not entered within the waters over which the laws of the United States extend, and over which the Executive or Judiciary of that country have any authority.

The vessels in question were molested in a lawful occupation on the high seas, and were seized by vessels in the service of the United States but possessing no right whatever to molest the people of Canada or their property on the ocean.

Similar outrages have been committed in the preceding year, and the vessels seized then were ordered to be surrendered by the United States' authorities. In the present cases, therefore, the repetition of such acts of violence was a proceeding for which the owners of the vessels have a right to expect that Her Majesty's Government will demand and exact redress.

They should not be asked to seek that redress in the Courts of any foreign country whatever, and the Courts of the United States have no more cognizance of their complaint than the Courts of any other foreign country.

The Committee, concurring in the above Report, advise that your Excellency be moved to transmit a copy of this Minute to the Right Honourable the Secretary of State for the Colonies, and also to the British Minister at Washington.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE, Clerk,
Privy Council, Canada.

Inclosure 3 in No. 148.

Sir L. West to the Marquis of Lansdowne, March 19, 1888.

[See Inclosure 2 in No. 110.]

Inclosure 4 in No. 148.

Mr. Foster to Sir L. West, March 6, 1888.

[See Inclosure 1 in No. 110.]

Inclosure 5 in No. 148.

The Marquis of Lansdowne to Sir L. West.

(Extract.)

Government House, Ottawa, March 23, 1888.

I HAVE the honour to inclose herewith, for your information, copy of a despatch which I have addressed to the Secretary of State for the Colonies* upon the subject of the Canadian sealing-vessels seized by United States' cruisers in the Behring's Sea.

Should you be able to obtain any information in regard to the action likely to be taken during the present year by cruisers of the United States in the Behring's Sea against vessels frequenting those waters, I shall be much obliged if you will put me in possession of it.

Inclosure 6 in No. 148.

Lord Stanley of Preston to Sir L. West.

Sir,

The Cascapedia, New Richmond, July 21, 1888.

WITH reference to your despatch of the 19th March, inclosing a copy of a telegram which you had received from my Minister of Marine and Fisheries relative to the pending proceedings in the cases of Canadian sealing-vessels seized in Behring's Sea, and in reply thereto, setting forth the opinion of the Attorney-General that Rule X of the practice in Admiralty and Rules of the Supreme Court (1887) make it plain that confiscated ships can be bonded pending appeal, I have the honour to

* See Inclosure in No. 114.

forward herewith a copy of an approved Minute of the Privy Council concurring in a report of the Sub-Committee to whom the question was referred.

I have communicated a copy of the inclosed Minute of Council to the Secretary of State for the Colonies.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 7 in No. 148.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

Citadel, Quebec, August 4, 1888.

WITH reference to my telegram of the 30th ultimo requesting that the Imperial authorities may urge the United States' Government to take steps for postponing the sale of the sealing schooners "Anna Beck," "Dolphin," "Grace," and "Ada," which were seized last year in Behring's Sea, pending the settlement of the question concerning the legality of their seizure, I have the honour to forward herewith a copy of an approved Minute of the Privy Council, upon which my telegram was founded.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 8 in No. 148.

Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council, on July 30, 1888.

THE Committee have had under consideration a telegram dated the 20th July, 1888, from the Lieutenant-Governor of British Columbia with respect to the bonding of the sealing-schooners "Anna Beck," "Dolphin," "Grace," and "Ada," seized in Behring's Sea in 1887.

The Minister of Marine and Fisheries, to whom the said telegram was referred, recommends that the Imperial Government be moved to request the interposition of the United States' Government to have the sale of the condemned vessels postponed pending the settlement of the question as to the legality of their seizure.

The Committee submit the above for your Excellency's approval, and advise that your Excellency be moved to communicate by cable to the Colonial Secretary the request of the Lieutenant-Governor of British Columbia, and to urge upon Her Majesty's Government the necessity for immediate communication with the United States' Government with a view to save from further and disastrous loss the owners of the condemned vessels.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE, Clerk,
Privy Council, Canada.

Inclosure 9 in No. 148.

Lieutenant-Governor Nelson to the Hon. C. H. Tupper.

(Telegraphic.)

Victoria, British Columbia, July 20, 1888.

THE following sealing schooners, seized in Behring's Sea in 1887, "Anna Beck," "Dolphin," "Grace," and "Ada," are now being taken from Sitka to Port Townsend, Puget Sound, to be sold by United States' Marshal of Alaska. Judge of District Court of Alaska has refused bonding to owners, giving as reason application too late. Under present circumstances, owners willing and anxious to bond vessels for appraised values:—

"Anna Beck," 2,600 dollars; "Dolphin," 7,750 dollars; "Grace," 10,404 dollars; "Ada," 2,900 dollars; or, pending settlement of question, have sale postponed. Will Dominion Government take necessary steps to secure if possible from United States' Government that this arrangement shall be acceded to?

No. 149.

Sir L. West to the Marquis of Salisbury.—(Received August 27.)

My Lord,

Beverley (Massachusetts), August 6, 1888.

WITH reference to your Lordship's telegram of the 2nd instant, I have the honour to inclose herewith copy of a note which I addressed to the Secretary of State, asking that the sale of the four British vessels seized last year in Behring's Sea may be postponed pending the settlement of the question of the legality of the seizure.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 149.

Sir L. West to Mr. Bayard.

Sir,

Beverley (Massachusetts), August 6, 1888.

I HAVE the honour to inform you that Her Majesty's Government have received intelligence to the effect that the four British ships seized last year in Behring's Sea are being taken to Port Townsend for sale by the United States' authorities. It would seem that this action has been taken in consequence of the Judge of the District Court of Alaska having refused to bond the owners upon the ground that their application was too late.

The Marquis of Salisbury has now requested me to ask the United States' Government to postpone the sale of the said vessels pending the settlement of the question of the legality of the seizure.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 150.

Sir L. West to the Marquis of Salisbury.—(Received August 31.)

My Lord,

Beverley (Massachusetts), August 16, 1888.

WITH reference to your Lordship's telegram of the 2nd August, I have the honour to inclose to your Lordship herewith copy of a note which I have received from the Secretary of State, stating that, in pursuance of your Lordship's request conveyed through me, the Acting Attorney-General has directed by telegram and letter the postponement of the sale of the vessels in question, and has also instructed the United States' Marshal in charge to receive bonds in lieu of the vessels.

I communicated the substance of this note to your Lordship this day by telegraph, and have informed the Governor-General of Canada to the same effect.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 150.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, August 13, 1888.

WITH further reference to your note of the 6th instant, conveying the request of the Marquis of Salisbury for a postponement of the sale of four British vessels seized in Behring's Sea last year, I have now the honour to state that I have just received a letter from the Acting Attorney-General, informing me that, in pursuance of the request so made, he had directed by telegram and letter the postponement of the sale of the vessels in question, and has also instructed the United States' Marshal in charge to receive bonds in lieu of the vessels.

Accept, &c.

(Signed) T. F. BAYARD.

No. 151.

The Marquis of Salisbury to Sir L. West.

Sir, *Foreign Office, September 1, 1888.*
 WITH reference to your despatch of the 16th ultimo, I transmit herewith a copy of a letter from the Colonial Office,* inclosing copies of two despatches from Lord Stanley of Preston to the Secretary of State for the Colonies relative to the proposed sale of four of the British vessels seized when engaged in seal-fishing last year in Behring's Sea.

Before taking any further action with regard to these seizures by the American authorities, I request that you will inform me when the appeal to the Supreme Court of the United States in the case of the "W. P. Sayward" is likely to come on, and to report generally on the progress of the case.

I am, &c.
 (Signed) SALISBURY.

No. 152.

Foreign Office to Colonial Office.

Sir, *Foreign Office, September 1, 1888.*
 I HAVE laid before the Marquis of Salisbury your letter of the 18th ultimo inclosing copies of two despatches from the Governor-General of Canada on the subject of the legal proceedings pending before the United States' Courts with regard to the British vessels seized by the American authorities when engaged in seal-fishing in Behring's Sea, and the claims for damages raised by the owners of the vessels.

I am to request that you will state to Secretary Lord Knutsford, in reply, that before taking any action on the Minute of the Canadian Government inclosed with Lord Stanley's despatch of the 26th July, 1888, Lord Salisbury has instructed Her Majesty's Minister at Washington to state when the appeal to the Supreme Court of the United States in the case of the "W. P. Sayward" is likely to come on, and to report generally on the progress of the case.

I am, &c.
 (Signed) P. CURRIE.

No. 153.

The Marquis of Salisbury to Sir L. West.

Sir, *Foreign Office, September 3, 1888.*
 WITH reference to my despatch of the 16th April last, relative to the proposals received from the Government of the United States for concerted action on the part of the Powers interested in the matter, with a view to the establishment of a close season for the preservation of the fur seals resorting to Behring's Sea, I have to inform you that I have recently had a long conversation with Mr. Phelps on the subject. He stated that his Government were very anxious that an agreement should be arrived at as soon as possible.

I pointed out the difficulties felt by the Canadian Government, and said that, while the scheme was favourable to the industries of the mother country, considerable apprehension was felt in Canada with respect to its possible effect on colonial interests.

I added that I was still sanguine of coming to an arrangement, but that time was indispensable.

I am, &c.
 (Signed) SALISBURY.

No. 154.

Foreign Office to Colonial Office.

Sir,

Foreign Office, September 3, 1888.

I HAVE laid before the Marquis of Salisbury your letter of the 18th ultimo, inclosing a copy of a despatch from the Governor-General of Canada, with a Minute of his Privy Council on the proposal made by the United States' Government for the establishment of a close time for fur seals in Behring's Sea.

With reference to Lord Knutsford's suggestion that the Government of the United States should make some modified proposal, I am to request that you will inform his Lordship that Lord Salisbury has recently had a long conversation with Mr. Phelps on the subject.

Mr. Phelps stated that his Government were very anxious that an agreement should be arrived at as soon as possible.

The difficulties felt on the subject by the Government of the Dominion were pointed out to him, and he was informed that, while the scheme was advantageous to the industries of the mother country, considerable apprehension was felt in Canada as to its possible effect on colonial interests.

Lord Salisbury added that he was still sanguine of coming to an arrangement, but that time was indispensable.

I am, &c.

(Signed) P. CURRIE.

No. 155.

Sir L. West to the Marquis of Salisbury.—(Received October 1.)

My Lord,

Beverly (Massachusetts), September 13, 1888.

WITH reference to my despatch of the 16th ultimo, I have the honour to inclose to your Lordship herewith copy of a note which I have received from the Secretary of State, together with copy of the correspondence which accompanied it, relative to the sale of certain British vessels seized in Behring's Sea, which sale had, at your Lordship's request, been postponed, and to request your Lordship's instructions as to the answer to be returned.

I have forwarded copies of this correspondence to the Governor-General of Canada.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 155.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, September 10, 1888.

REFERRING to previous correspondence in relation to the sale of the four British vessels condemned for taking seals illicitly in Behring's Sea in 1887, I have the honour to inform you that I have received a communication from the Acting Attorney-General of the 3rd instant, in which an expression of my views is requested upon the propriety of an immediate sale of the vessels in view of certain statements made in regard to them.

As an order for the postponement of the sale and the bonding of the vessels was issued by the Department of Justice in compliance with the request of Lord Salisbury communicated to this Department, I inclose herewith a copy of the letter of the Acting Attorney-General, together with its inclosures, and will be glad to learn whether, in the light of the facts now disclosed, it is still the desire of his Lordship that the sale should not be proceeded with.

I have, &c.

(Signed) T. F. BAYARD.

Inclosure 2 in No. 155.

Mr. Jenks to Mr. Bayard.

Sir, *Washington, September 3, 1888.*
 I HAVE the honour to send you copies of letters of the 23rd and 25th ultimo, from Mr. Atkins, United States' Marshal for the District of Alaska, and to ask for an expression of your views upon the propriety of an immediate sale of the vessels mentioned by the Marshal on consideration of the statements he makes in relation to them.

I have, &c.
 (Signed) G. A. JENKS, *Acting Attorney-General.*

Inclosure 3 in No. 155.

Mr. Atkins to Mr. Jenks.

Sir, *Seattle, Washington Territory, August 23, 1888.*
 IN reference to the four condemned British vessels now in my custody, I have the honour to report:—

That the owners of the schooners "Anna Beck," "Grace," and "Dolphin" claim that the appraisement made at Sitka one year ago was at the time excessive, and that their value on account of the inclement climate of Alaska has in the meantime been constantly depreciating, and therefore decline to bond them at such appraisement, but request a new appraisement, which, if not granted, they desire the sale to proceed. The owner says, however, that he will furnish satisfactory bonds for the schooner "Anna Beck" at her present appraised value if it can be effected, subject to a final settlement of the matter and without the expense of an appeal to the Supreme Court.

Having myself a practical knowledge of the value of such property, I fully coincide with the claimant that the valuation put on the schooners "Grace" and "Dolphin" at Sitka was excessive.

The schooner "Ada" is owned and registered at Shanghai, China, and her owner, whoever he may be, has not yet made any claim or appearance.

In the meantime, the vessels are remote from my district, thus greatly increasing the responsibility of their safe custody, and the expense thereof constantly increasing.

I desire to be instructed, in case vessels are not soon sold or bonded, what further action to take in reference to returning to my district and leaving the vessels in charge of a special deputy.

I have, &c.
 (Signed) BARTON ATKINS.

Inclosure 4 in No. 155.

Mr. Atkins to Mr. Jenks.

Sir, *District of Alaska, Office of United States' Marshal,
 Portland, Oregon, August 25, 1888.*

IN view of the present situation relative to the British vessels in my custody now moored at Port Townsend, Washington Territory, I beg leave to state as follows:—

That all of said vessels, owing to the length of time they have been out of commission, are in a dilapidated condition, and their depreciation in value is constant and rapid.

That they are small in size, the combined tonnage of the four being only 249 tons.

That the owner of the "Anna Beck," "Grace," and "Dolphin," Captain J. D. Warren, of Victoria, British Columbia, has notified me that he prefers that the "Grace" and "Dolphin" should be sold without further delay, and the "Anna Beck" also, unless he can bond that vessel without instituting an appeal to the Supreme Court, or making the journey to Sitka for that purpose.

That if longer held in custody, they will have to be removed from Port Townsend to some place secure from the fall and winter winds, for permanent moorings. All

of which will be attended by much greater expense comparatively than has heretofore been required for their safe custody.

I do not hesitate to recommend that, in interest of all concerned, the vessels, if not bonded, should be sold without delay. It is my purpose soon to repair to Port Townsend, there to await Department orders.

I have, &c.
(Signed) BARTON ATKINS.

No. 156.

Sir L. West to the Marquis of Salisbury.—(Received October 1.)

My Lord, *Beverly (Massachusetts), September 15, 1888.*

WITH reference to your Lordship's despatch of the 1st instant, I have the honour to inform your Lordship that the appeal in the case of the "W. P. Sayward," alluded to therein, has not yet even been docketed in the Supreme Court of the United States.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 157.

Foreign Office to Colonial Office.

Sir, *Foreign Office, October 2, 1888.*

WITH reference to your letter of the 10th August last, I am directed by the Marquis of Salisbury to transmit to you copies of a despatch, and its inclosures, from Her Majesty's Minister at Washington on the subject of the British sealing-vessels seized in Behring's Sea.*

I am to request that, in laying Sir L. West's despatch before Secretary Lord Knutsford, you will move him to inform Lord Salisbury what reply should be returned to the inquiry of the United States' Secretary of State with regard to the sale of the vessels seized.

I am, &c.
(Signed) P. CURRIE.

No. 158.

Colonial Office to Foreign Office.—(Received October 9.)

Sir, *Downing Street, October 8, 1888.*

WITH reference to your letter of the 2nd instant, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, copies of telegraphic correspondence with the Governor-General of Canada respecting the bonding of the vessels seized last year in Behring's Sea.

Lord Knutsford would be glad if instructions could be given by telegraph to Her Majesty's Minister at Washington to propose to the United States' Government the course recommended in Lord Stanley of Preston's telegram of the 6th instant.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 158.

Lord Knutsford to Lord Stanley of Preston.

(Telegraphic.) *Downing Street, October 4, 1888.*

WITH reference to Mr. Bayard's note to Sir L. West of the 10th September relative to Behring's Sea seizures, what answer should be returned?

Inclosure 2 in No. 158.

Lord Stanley of Preston to Lord Knutsford.

(Telegraphic.)

October 6, 1888.

RECOMMEND that United States' authorities be moved to authorize the reappraisement of "Grace" and "Dolphin," and in case of "Anna Beck" to accept proposed bonds of owner, subject to final settlement of matter.

No. 159.

The Marquis of Salisbury to Lord Sackville.

(Telegraphic.)

Foreign Office, October 10, 1888.

IN reply to your despatch of the 13th ultimo, I request that you will move United States' Government to authorize reappraisement of "Grace" and "Dolphin," and to accept proposed bond of owner, subject to final settlement of matter, in case of "Anna Beck."

No. 160.

Foreign Office to Colonial Office.

Sir,

Foreign Office, October 10, 1888.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 8th instant, on the subject of the British vessels seized in Behring's Sea.

I am to state to you, in reply, for the information of Lord Knutsford, that a telegram has this day been sent to Her Majesty's Minister at Washington, requesting him to move the Government of the United States to authorize the reappraisement of the "Dolphin" and "Grace," and to accept the proposed bond of the owner of the "Anna Beck," subject to a final settlement of the matter.

I am, &c.

(Signed)

JULIAN FAUNCEFOTE.

No. 161.

Sir L. West to the Marquis of Salisbury.—(Received October 12.)

My Lord,

Beverly (Massachusetts), September 30, 1888.

WITH reference to my despatch of the 13th instant, I have the honour to inclose copy of a further note which I have received from the Secretary of State, relative to the four British sealers condemned for taking seals in Behring's Sea, and requesting a decision in regard to the disposition of them.

I have forwarded copy of this note to the Governor-General of Canada.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

Inclosure in No. 161.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, September 27, 1888.

RECURRING to the subject of the four British vessels condemned for taking seals illicitly in Behring's Sea in 1887, I have the honour to inform you that I have received from the Acting Attorney-General a letter, dated the 26th instant, inclosing copies of letters from the United States' Attorney for Alaska, and the United States' Marshal for Washington Territory, of the 7th and 10th instant respectively, in relation to the same matter.

The four vessels, the schooners "Grace," "Dolphin," "Anna Beck," and "Ada," have been transferred by the United States' Marshal for Alaska to the custody of the

United States' Marshal for Washington Territory, and are now at Port Townsend, subject to instructions from the Department of Justice touching their sale or other disposition. The Department is informed that none of the vessels have been bonded, and that the owners of three of them have refused to take that step, on the ground that their appraisement was too high. As the season advances, the probability of realizing a fair price for the vessels will diminish, and the expenses incident to their retention by the Marshal are necessarily accruing.

These considerations make it proper that a decision in regard to the disposition of the vessels should speedily be reached, and I have the honour to request that if it is desired to postpone the sale still further, the Department may be assured at an early day that an arrangement will be made whereby the vessels may be saved from becoming a loss.

I have, &c.
(Signed) T. F. BAYARD.

No. 162.

Foreign Office to Colonial Office.

Sir, *Foreign Office, October 13, 1888.*

WITH reference to my letter of the 10th instant, I am directed by the Marquis of Salisbury to transmit to you a copy of a despatch from Her Majesty's Minister at Washington,* inclosing a note from Mr. Bayard, requesting a decision as to the disposition of the four sealing-schooners "Grace," "Dolphin," "Anna Beck," and "Ada."

I am to request you to move Lord Knutsford to cause Lord Salisbury to be informed what reply should be returned as to the "Ada."

Her Majesty's Minister at Washington has been already communicated with by telegraph in regard to the other three vessels, as you were informed in my letter above referred to.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 163.

Colonial Office to Foreign Office.—(Received October 22.)

Sir, *Downing Street, October 20, 1888.*

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 11th instant, inclosing a copy of a despatch from Her Majesty's Minister at Washington,† stating that the appeal in the case of the "W. P. Sayward" has not yet been docketed in the Supreme Court of the United States.

In your letter of the 1st ultimo, it was stated that before taking any action on the Minute of the Canadian Government, inclosed in the despatch from Lord Stanley of Preston of the 26th July last, Lord Salisbury had instructed Her Majesty's Minister at Washington to state when the appeal to the Supreme Court in the case of the "W. P. Sayward" was likely to come on, and to report generally on the progress of the case.

As it appears from the answer now received from Sir L. West that there is likely to be considerable delay in this case, Lord Knutsford would be glad to be informed whether, in Lord Salisbury's opinion, action should not now be taken on the Minute of the Canadian Privy Council referred to.

I am, &c.
(Signed) JOHN BRAMSTON.

Colonial Office to Foreign Office.—(Received October 26.)

Sir,

Downing Street, October 25, 1888.

WITH reference to the letter from this Department of the 8th instant respecting the bonding of certain vessels seized last year in Behring's Sea, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada on the subject.

As the papers forwarded by Lord Stanley of Preston do not answer the question in Mr. Bayard's note to Sir Lionel West, dated the 10th September last (inclosed in your letter to this Department of the 2nd instant), so far as concerns the schooner "Ada," Lord Knutsford has telegraphed to the Governor-General of Canada with reference to your letter of the 13th instant, asking what reply should be returned in regard to that vessel.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 164.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

Government House, Ottawa, October 8, 1888.

WITH reference to your telegram of the 4th instant, inquiring what answer should be returned to Mr. Bayard's note to Sir Lionel West of the 10th September with reference to the bonding of certain British vessels seized some time since in Behring's Sea, I have the honour to inclose herewith a copy of a despatch which I have to-day addressed to Sir Lionel West, covering a copy of an approved Minute of my Privy Council dealing with this subject.

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 164.

Lord Stanley of Preston to Sir L. West.

Sir,

Government House, Ottawa, October 8, 1888.

I HAVE the honour to acknowledge the receipt of your despatch of the 13th ultimo, covering copy of a note from the Secretary of State of the United States, with copies of correspondence accompanying it, relative to the bonding of the British ships "Grace," "Dolphin," and "Anna Beck," which were seized some time since in Behring's Sea.

I now beg to inclose copy of an approved Minute of my Privy Council in relation to this matter, from which it will be seen that my Ministers desire that the Government of the United States may be moved to authorize the reappraisement of the schooners "Grace" and "Dolphin," owing to the fact, which is duly set forth in the correspondence accompanying Mr. Bayard's note, that the appraisement made at Sitka more than a year since is regarded by the owners as having been excessive, and as having become still more so, consequent upon the exposure of these vessels to the inclement climate of Alaska.

As regards the case of the "Anna Beck," the Minute recommends that the United States' Government may be requested to give instructions that the proposed bonds of the owner may be accepted, subject to a final settlement of this question.

I have, &c.

(Signed) STANLEY OF PRESTON.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, on the 30th September, 1888.

THE Committee of the Privy Council have had under consideration a despatch from Sir L. West to Lord Stanley, under date the 13th September instant, covering copy of a note from the Secretary of State for the United States, together with copies of correspondence which accompanied it, relative to certain ships which had been seized in Behring's Sea.

The Minister of Marine and Fisheries, to whom the above was referred, reports that on the 30th July last a Minute of Council was adopted as follows:—

"The Committee have had under consideration a telegram dated the 20th July, 1888, from the Lieutenant-Governor of British Columbia, with respect to the bonding of the sealing schooners 'Anna Beck,' 'Dolphin,' 'Grace,' and 'Ada,' seized in Behring's Sea in 1887. The Minister of Marine and Fisheries, to whom the said telegram was referred, recommends that the Imperial Government be moved to request the interposition of the United States' Government to have the sale of the condemned vessels postponed, pending the settlement of the question as to the legality of their seizure.

"The Committee submit the above for your Excellency's approval, and advise that your Excellency be moved to communicate by cable to the Colonial Secretary the request of the Lieutenant-Governor of British Columbia, and to urge upon Her Majesty's Government the necessity for immediate communication with the United States' Government, with a view to save from further and disastrous loss the owners of the condemned vessels;" and that in reply to this Minute a telegram, under date of the 18th August, 1888, was received by your Excellency from Sir Lionel West as follows:—

"Acting Attorney Garrison has given directions, both by letter and telegram, to postpone the sale of the schooners. The Marshal has also been directed to receive bonds in lieu of the vessels."

The Minister observes that copies of the correspondence referred to confirm the intimation conveyed by the above telegram, that an order for the postponement of the sale, and permitting the bonding of these vessels at the value already appraised, had been made by the Department of Justice at Washington, in compliance with the request of Lord Salisbury. Subsequent to the receipt of this order, the United States' Marshal at Seattle, Washington Territory, informed the Attorney-General for the United States that the owners of the schooners "Anna Beck," "Grace," and "Dolphin," claimed that not only was the appraisement made at Sitka a year previously excessive, but that the value of the vessels, on account of the inclement climate at Alaska, had in the meantime been constantly depreciating, and they therefore declined to bond them, with the exception of the "Anna Beck," at such appraisement, but requested a new appraisement, and stated that if a new appraisement was not allowed, the owners desired the sale should proceed.

It further appears from the same communication, that in the case of one of the vessels, the "Anna Beck," the owner is willing to furnish satisfactory bonds, at the value already appraised, if this can be done, subject to a final settlement of the matter, and without necessitating an appeal to the Supreme Court of the United States.

The Minister further observes that, touching the question of excessive appraisement, the United States' Marshal states as follows:—"Having myself a practical knowledge of the value of such property I fully coincide with the claimant, that the valuation put on the schooners 'Grace' and 'Dolphin' was excessive."

The Committee recommend, therefore, that your Excellency be moved to forward a copy of this Minute to Her Majesty's Minister at Washington, with a view to moving the United States' authorities to authorize the reappraisement in the cases of the "Grace" and "Dolphin," and that in the case of the "Anna Beck," instructions be given to accept the proposed bonds of the owner, subject to a final settlement of the matter.

All of which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. MCGEE, Clerk,

Privy Council; Canada.

No. 165.

Colonial Office to Foreign Office.—(Received November 2.)

Sir,

Downing Street, November 1, 1888.

WITH reference to the letter from this Department of the 25th October respecting the bonding of certain vessels seized last year in Behring's Sea, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram received from the Governor-General of Canada relating to the case of the vessel, "Ada."

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 165.

Lord Stanley of Preston to Lord Knutsford.

(Telegraphic.)

October 28, 1888.

IN reply to the inquiry made in your telegram of the 20th October, owners of "Ada" do not object to original appraisement of the vessel. My Ministers advise that action should be taken accordingly.

No. 166.

Foreign Office to Colonial Office.

Sir,

Foreign Office, November 17, 1888.

I HAVE laid before the Marquis of Salisbury your letter of the 1st instant, inclosing a telegram from the Governor-General of Canada, stating that the owners of the "Ada," one of the sealing ships seized last year in Behring's Sea, do not object to the original appraisement of the vessel.

His Lordship directs me to inquire whether Lord Knutsford desires that the substance of Lord Stanley's telegram should be sent to Her Majesty's Legation at Washington, for communication to the United States' Government.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 167.

Colonial Office to Foreign Office.—(Received November 21.)

Sir,

Downing Street, November 21, 1888.

IN reply to your letter of the 17th instant, I am directed by Lord Knutsford to acquaint you, for the information of the Marquis of Salisbury, that he thinks it desirable that the substance of the telegram from the Governor-General of Canada respecting the sealing ship "Ada" should be communicated to the Government of the United States.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 168.

The Marquis of Salisbury to Mr. Herbert.

(Telegraphic.)

Foreign Office, November 22, 1888.

WITH reference to my telegram of the 10th ultimo, you should inform United States' Government owners of "Ada" do not object to original appraisement of the vessel.

No. 169.

Colonial Office to Foreign Office.—(Received November 26.)

Sir,

Downing Street, November 26, 1888.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, with reference to previous correspondence, copy of a despatch from the Governor-General of Canada, and of a telegram addressed to him respecting the case of the "Ada," one of the vessels seized last year in Behring's Sea.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 169.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

Government House, Ottawa, October 27, 1888.

WITH reference to your Lordship's telegram of the 20th instant, and to mine in reply of to-day's date, stating that the owners of the "Ada" do not object to the original appraisement, I have the honour to transmit to your Lordship a copy of an approved Report of a Committee of the Privy Council upon which my telegram was based.

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 169.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 27th October, 1888.

THE Committee of the Privy Council having referred the telegram of the 20th October instant (1888), from Lord Knutsford, in the terms, "Referring to your telegram 6th October, Behring's Sea, and despatch 8th October; what answer should be returned, 'Ada?'" to the Minister of Marine and Fisheries, who is advised by a despatch from the Lieutenant-Governor of British Columbia that the agent for the owners of the schooner "Ada" does not object to the original appraisement, respectfully recommend that your Excellency be moved to telegraph Lord Knutsford in the above sense in answer to his telegram of the 20th October instant.

(Signed) JOHN J. MCGEE, Clerk,
Privy Council.

Inclosure 3 in No. 169.

Lord Knutsford to Lord Stanley of Preston.

(Telegraphic.)

Downing Street, November 6, 1888.

WITH reference to your telegram of 27th October, United States' Government will be informed that owners of "Ada" do not object to original appraisement. I presume it will be for owners to take any further action.

No. 170.

Colonial Office to Foreign Office.—(Received December 4.)

Sir,

Downing Street, December 3, 1888.

WITH reference to previous correspondence, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram from the Governor-General of Canada, inquiring whether any answer has yet been received

from the United States' Government on the subject of the reappraisement of the vessels seized last year in Behring's Sea. The telegram from Lord Stanley of the 6th October, referred to in his present message, was communicated to you in the letter from this Department of the 8th of that month.

Lord Knutsford would be glad to learn whether any answer has been received from the United States' Government on this subject, and, if not, he desires me to suggest that a reply should be asked for by telegraph.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 170.

The Marquis of Lansdowne to Lord Knutsford.

(Telegraphic.)

November 29, 1888.

HAVE you answer from Washington relative to reappraisement of vessels "Grace," "Dolphin," "Anna Beck," referred to in my telegram of the 6th October? Governor of British Columbia presses for reply.

No. 171.

The Marquis of Salisbury to Mr. Herbert.

(Telegraphic.)

Foreign Office, December 5, 1888.

WHAT answer from United States' Government as to Behring's Sea seizures referred to in my telegram of 10th October?

No. 172.

Mr. Herbert to the Marquis of Salisbury.—(Received December 5.)

(Telegraphic.)

Washington, December 5, 1888.

IN reply to your telegram of to-day, I have received no answer from United States' Government. Have again asked to-day for a reply.

No. 173.

Foreign Office to Colonial Office.

Sir,

Foreign Office, December 7, 1888.

IN reply to your letter of the 3rd instant, I am directed by the Marquis of Salisbury to state to you, for the information of Secretary Lord Knutsford, that no reply has been returned by the United States' Government to the request that they would authorize the reappraisement of the British vessels "Grace" and "Dolphin" seized in Behring's Sea.

Mr. Herbert, who is in charge of Her Majesty's Legation at Washington, has reported in a telegram, dated the 5th instant, that he had on that day again asked for an answer from the United States' Government.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 174.

Mr. Herbert to the Marquis of Salisbury.—(Received December 11.)

My Lord,

Washington, November 30, 1888.

I HAVE the honour to acknowledge the receipt of your Lordship's telegram of the 22nd, and to state that Mr. Bayard, in reply to my communication, that the owners

of the "Ada" did not object to the original appraisement, has informed me that the Attorney-General has been made acquainted with their decision.

I have, &c.
(For M. H. Herbert),
(Signed) ARTHUR HERBERT.

No. 175.

Mr. Herbert to the Marquis of Salisbury.—(Received December 24.)

My Lord,

Washington, December 12, 1888.

ON the receipt of your Lordship's telegram of the 5th instant, I immediately wrote to Mr. Bayard pressing for a reply to Lord Sackville's note of the 12th October on the subject of the re-appraisement of the British sealers seized in Behring's Sea in 1887, and I have now received a note from him, copy of which with its inclosures I inclose herewith, in which he states that he has been informed by the Attorney-General that orders were given on the 14th ultimo for the sale of the vessels in question, but that he has not yet heard whether the sale has been effected or not. As soon, however, as he is informed by the Department of Justice he will duly advise me as to what has taken place.

I have sent a copy of Mr. Bayard's note to the Governor-General of Canada.

I have, &c.
(Signed) MICHAEL H. HERBERT.

Inclosure 1 in No. 175.

Mr. Bayard to Mr. Herbert.

Sir,

Department of State, Washington, December 10, 1888.

I HAVE the honour to acknowledge the receipt of your note of the 5th instant, in which you call attention to the note of Lord Sackville of the 12th October last, in relation to the appraisement of three of the four British schooners seized and condemned for illicitly taking seals in Behring's Sea in 1887.

The note referred to was at once communicated to the Department of Justice with a request for an opinion on the question of re-appraisement.

Some time previously, upon the request of the Marquis of Salisbury, the sale of the schooners had been stayed by this Government in order that full opportunity might be given to their owners to make some arrangements whereby they might become repossessed of the vessels. On the 11th October, the day preceding the date of the note of Lord Sackville above referred to, the Attorney-General wrote to this Department a letter, copy of which is inclosed, in which he intimated an opinion that the interests of both the United States and the claimants would be best subserved by a speedy sale of the vessels. By this letter it appears that, although the schooners had long since been condemned, no claims had been filed by their owners and no bonds given for costs. Nevertheless, the Department again consulted the Department of Justice in regard to the proposition contained in the note under date of the 12th October. Under date of the 20th October last a reply from the Attorney-General was received, copy of which is inclosed. To this I made answer on the 27th October, expressing my concurrence in the view of the Attorney-General, that, under the circumstances, the wiser course for all concerned was to let the sale of the vessels take place at once, as delay seemed impracticable, and could only be productive of loss.

On the 14th of last month the Attorney-General informed that he had that day directed the United States' Marshal in charge of the vessels at Port Townsend, Washington Territory, to take the necessary steps to effect a sale of the four vessels as speedily as possible.

Since that time no correspondence on the subject has taken place with the Department of Justice except a request from this Department on the 17th ultimo that it might be informed of the proceedings of the Marshal under the order above stated.

When a response to this request shall have been received you will be duly advised of its contents.

I have, &c.
(Signed) T. F. BAYARD.

Inclosure 2 in No. 175.

Mr. Garland to Mr. Bayard.

Sir,

Department of Justice, Washington, October 20, 1888.

BY your communication of the 17th October, 1888, you requested an expression of my views on the arrangement proposed by the British Government in regard to the disposal of the vessels "Grace," "Dolphin," and "Anna Beck." The arrangement referred to is that the United States authorize a re-appraisement of the schooners "Grace" and "Dolphin," and that instructions be given in the case of the "Anna Beck" that bonds of the owner may be accepted subject to the final settlement of the question.

The libels against the vessels were submitted on the stipulation, dated the 10th day of September, 1887, by M. W. Drake on behalf of the masters, they were, on or about the 3rd day of October, 1887, after hearing condemned, and in pursuance of the terms of the stipulation, were ordered to be sold at Port Townsend.

The time for appeal to the Supreme Court of the United States has long since expired.

On the 25th day of August, 1888, the United States' Marshal for Alaska reported "that the owner of the 'Anna Beck,' 'Grace,' and 'Dolphin,' Captain J. W. Warren, of Victoria, British Columbia, notified me (him) that he prefers that the 'Grace' and 'Dolphin' should be sold without further delay, and the 'Anna Beck' also, unless he can bond that vessel without instituting an appeal to the Supreme Court, or making the journey to Sitka for that purpose."

The aggregate tonnage of the three vessels, with the "Ada" (for which no owner has been heard from), is but 279 tons.

The vessels, if not sold, will soon be substantially valueless. If attempt be made to keep them over winter a total loss may result.

I therefore adhere to the views expressed in my former communication, that the interests of all concerned will be best subserved by an early sale, and earnestly hope I may receive a prompt communication from you concurring therein.

Very respectfully,
(Signed) A. H. GARLAND, *Attorney-General.*

Inclosure 3 in No. 175.

*Mr. Grant to Mr. Garland.**District of Alaska, Attorney-General's Office,**Sitka, September 20, 1888.*

Dear Sir,

MARSHAL returned from Port Townsend says no vessel was bonded, and now the parties have concluded not to bond, and want the sale to go on, but I shall instruct the Marshal to await instructions from you. How long shall I wait for the parties to act? No owners have appeared on the record; the record does not show who they are. No claims are filed, or bonds for costs given.

The cases were submitted on the agreement signed by Mr. Drake for the masters, and on his demurrer as Representative of Canadian Government.

Very respectfully,
(Signed) WHIT. M. GRANT, *District Attorney.*

Inclosure 4 in No. 175.

In the District Court of the Territory of Alaska.

The United States v. the British Schooners "Dolphin," "Anna Beck," "Grace," and "Ada."

IT is hereby stipulated and agreed upon between the plaintiffs and the masters of the defendant schooners that the demurrer filed in the matter of the information against J. D. Warren, and the agreement therein, shall apply to the libels filed or to be filed against the above vessels. It is further stipulated and admitted as a fact that the masters of the above-named vessels did kill seals during the month of July 1887, in

that portion of Behring's Sea claimed by the United States under the Treaty of 1867 between Russia and the United States, and beyond the limit of 10 miles from any land.

It is further stipulated that in case the vessels or any of them shall be condemned, by any order of the Court, that the same shall not be sold until the expiration of three months from the publication of any order ordering such sales, and that such sales shall take place at Port Townsend or some other point on Puget Sound.

It is further stipulated that the defendants may give security for appeal to the Supreme Court of the United States, or such other Court as may have jurisdiction, by bonds of any qualified bondsmen in Washington Territory, Oregon, or California.

Upon the question of facts thus agreed upon, the parties submit the cases to the Court upon the law question raised by the demurrer.

On behalf of the Masters of the above schooners,

(Signed) M. W. DRAKE.

(Signed) A. K. DELANEY,
Attorney for the United States.

September 10, 1887.

Inclosure 5 in No. 175.

Mr. Garland to Mr. Bayard.

Sir,

Department of Justice, Washington, October 11, 1888.

I HEREWITH inclose copies of communications received from W. M. Grant, United States' Attorney for Alaska, from the facts submitted by him in connection with those contained in my letter of the 26th September. I submit whether it will not be expedient, and for the best interests both of the United States and adverse claimants, if there be such, that the vessels referred to be speedily sold. An answer is desired at your earliest convenience.

Very respectfully,
(Signed) A. H. GARLAND, *Attorney-General.*

No. 176.

Mr. Herbert to the Marquis of Salisbury.—(Received January 23.)

My Lord,

Washington, January 8, 1889.

I HAVE the honour to report that Mr. Hoar introduced a Resolution in the Senate on the 3rd instant, asking for any correspondence that may have taken place with Great Britain in regard to the seal-fisheries in or near Behring's Straits, especially as to the seizure or release of any British vessels by the United States; and also asking for information as to the Regulations governing the fisheries which have been adopted by the United States' Government.

Mr. Hoar alleges that there have been, and still are, widespread complaints of unjust discrimination made against American vessels in those waters, and that while they are not permitted to take seals out at sea, which is perfectly proper and right, no interference is made with the operations of the vessels of other countries, particularly those of Great Britain.

This Resolution, which was adopted by the Senate, was probably prompted by the reference in the President's Message to a proposed arrangement with foreign Powers for the protection of fur-seals in Behring's Sea, which has aroused a good deal of curiosity here.

The passage in question ran as follows:—

“My endeavours to establish, by international co-operation, measures for the prevention of the extermination of fur-seals in Behring's Sea, have not been relaxed, and I have hopes of being enabled shortly to submit an effective and satisfactory Conventional project with the Maritime Powers for the approval of the Senate.”

I will not fail to send your Lordship a copy of the correspondence asked for as soon as it is presented to Congress.

I have, &c.
(Signed) MICHAEL H. HERBERT.

No. 177.

The Marquis of Salisbury to Mr. Edwardes.—(Substance telegraphed.)

Sir,

Foreign Office, March 23, 1889.

MY attention has been called to a telegram, dated Washington, the 22nd March, which appeared in the "Times" of to-day, to the effect that President Harrison has issued a Proclamation warning foreign fishing-vessels against entering the waters of Behring's Sea, within the dominion of the United States, for unlawful fishing for fur-bearing animals or salmon.

I have to request you to report to me, by telegraph, the exact terms of the Proclamation referred to.

I am, &c.
(Signed) SALISBURY.

No. 178.

Mr. Edwardes to the Marquis of Salisbury.—(Received by telegraph, March 23.)

My Lord,

Washington, March 23, 1889.

I HAVE had the honour to inform your Lordship to-day, by telegraph, that a Proclamation was issued late yesterday afternoon by the President, warning all persons against entering the waters of Behring's Sea within the domain of the United States for the purpose of violating the provisions of section 1956 of the Revised Statutes relating to the killing of fur-bearing animals, and that, if found doing so, they will be arrested and their vessels, apparel, &c., will be seized.

I have, &c.
(Signed) H. G. EDWARDES.

No. 179.

Mr. Edwardes to the Marquis of Salisbury.—(Received by telegraph, March 23.)

My Lord,

Washington, March 23, 1889.

IN obedience to your Lordship's instructions received in your telegram of to-day's date, I had the honour to send to you, by telegraph, the exact terms of the President's Proclamation issued yesterday afternoon, which he issued under the authority granted to him by the Act of the 2nd March, 1889, providing for the protection of the salmon fisheries of Alaska.

This Proclamation, copies of which I have the honour to inclose, warns all persons against violating the laws of the United States in the waters of Behring's Sea, with regard to killing fur-bearing animals, the penalty for such violation being arrest of person and seizure and confiscation of vessels, apparel, &c.

I have, &c.
(Signed) H. G. EDWARDES.

Inclosure in No. 179.

Extract from the "Washington Post" of March 23, 1889.

ALASKA WITHOUT A GOVERNOR.—A PROCLAMATION REGARDING FUR-BEARING ANIMALS AND SALMON.—Governor A. P. Swineford some time since wrote out his resignation as Governor of Alaska, and sent it to the Interior Department, where it remains unacted upon. Since then the Governor wrote that he should leave Alaska for home on the 6th March, so that he is now out of the territory, and Alaska is without an executive head.

The following Proclamation was issued late yesterday afternoon:—

A Proclamation.

By the President of the United States.

The following provisions of the Laws of the United States are hereby published for the information of all concerned:—

Section 1956 Revised Statutes, chapter 3, title 23, enacts that—

No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal, within the limits of Alaska territory, or in the waters thereof; and every person guilty thereof shall, for each offence, be fined not less than 200 dollars, nor more than 1,000 dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except for seals, under such regulations as he may prescribe, and it shall be the duty of the Secretary to prevent the killing of any fur seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law, nor shall he grant any special privileges under this section.

Section 3 of the Act entitled "An Act to provide for the protection of the Salmon Fisheries of Alaska," approved the 2nd March, 1889, provides that—

Section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Behring's Sea, and it shall be the duty of the President at a timely season in each year to issue his Proclamation, and cause the same to be published for one month at least in one newspaper (if any such there be) published at each United States' port of entry on the Pacific Coast, warning all persons against entering such waters for the purpose of violating the provisions of said section, and he shall also cause one or more of the vessels of the United States to diligently cruize said waters, and arrest all persons and seize all vessels found to be or to have been engaged in any violation of the Laws of the United States therein.

Now, therefore I, Benjamin Harrison, President of the United States, pursuant to the above recited Statutes, hereby warn all persons against entering the waters of Behring's Sea within the domain of the United States for the purpose of violating the provisions of said section 1956 Revised Statutes, and I hereby proclaim that all persons found to be or to have been engaged in any violation of the Laws of the United States in said waters will be arrested and punished as above provided, and that all vessels so employed, their tackle, apparel, furniture, and cargoes, will be seized and forfeited.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 21st day of March, 1889, and of the Independence of the United States the 113th.

(Signed) BENJ. HARRISON.

By the President,
(Signed) JAMES G. BLAINE,
Secretary of State.

Sailing orders have been sent to the United States' steamer "Thetis" at the Mare Island Navy Yard to proceed to Sitka, touching *en route* at such places as her commanding officer may deem necessary. When she arrives at Sitka and communicates with the civil authorities she will, if the situation is quiet and her presence there is not required, continue on northward, and devote attention particularly to the whaling fleet and to other commercial interests of the United States in the waters about Behring's Straits and the Arctic Ocean.

As the whaling vessels usually leave the Arctic in the latter part of September, the presence of the "Thetis" until then will add security to those engaged in that important industry, and the "Thetis" will remain until they have taken their departure southward, taking care not to be caught in the ice. She will return to Sitka and await further instructions.

No. 180.

Colonial Office to Foreign Office.—(Received March 26.)

Sir,

Downing Street, March 26, 1889.

I AM directed by Lord Knutsford to request that you will call the attention of the Marquis of Salisbury to the accompanying copy of a telegram from Washington which appeared in the "Times" of the 23rd instant.

As the Canadian sealing-vessels will shortly be proceeding to the sealing-grounds

in Behring's Sea, Lord Knutsford would be glad if Lord Salisbury would telegraph to Her Majesty's Chargé d'Affaires at Washington to ascertain whether the statement in the telegram is correct.

I am to suggest also that Mr. Herbert should, at the same time, be instructed, if the statement is correct, to inform the United States' Government that Her Majesty's Government cannot require the masters of British vessels, when fishing in Behring's Sea beyond the 3-mile limit, to recognize the Laws of the United States.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 180.

The Alaska Fisheries.

Washington, March 22.

PRESIDENT HARRISON has issued a Proclamation, warning foreign fishing-vessels against entering the waters of Behring's Sea, within the dominion of the United States, for unlawful fishing for fur-bearing animals or salmon.

No. 181.

Foreign Office to Colonial Office.

Sir, *Foreign Office, March 30, 1889.*
I HAVE laid before the Marquis of Salisbury your letter of the 26th instant, calling attention to a telegram which appeared in the "Times" of the 23rd instant respecting the Proclamation by the President of the United States in regard to the seal-fisheries in Behring's Sea, and suggesting that a representation should be made to the United States' Government on the subject.

His Lordship directs me to state, for Lord Knutsford's information, that it is proposed to defer any action in the matter until the receipt of the Act for the protection of salmon in Alaska, which is now on its way from Washington.

I am, &c.
(Signed) P. CURRIE.

No. 182.

Mr. Edwardes to the Marquis of Salisbury.—(Received April 1.)

My Lord, *Washington, March 15, 1889.*
I HAVE the honour to state that, having heard privately from a Member of the House of Commons, who has lately been travelling in Canada, that the sale of the three seized British sealers was ordered to take place on the 26th instant, I telegraphed to the Governor-General of Canada (copy of telegram inclosed) to inquire whether the owners of those vessels were willing to bond their ships, and that, if so, I would endeavour to procure from the United States' authorities a postponement of the sale.

In the meantime, I learnt privately that if I addressed such an application to the United States' Government, the Solicitor-General, to whom it would be referred, the matter having been under consideration in his Department, would at once order a postponement.

I received last night a telegram (copy inclosed) from Lord Stanley of Preston, informing me that the Canadian Minister of Marine is not of opinion that any intervention on the part of Her Majesty's Legation at this moment would be of value. The owners of the vessels were not willing to bond at the valuation made by the United States' authorities, and the late Administration had refused to allow a revaluation.

I shall, consequently, refrain from action in the matter without further instructions.

I have, &c.
(Signed) H. G. EDWARDES.

Inclosure 1 in No. 182.

Mr. Edwardes to Lord Stanley of Preston.

(Telegraphic.)

Washington, March 8, 1889.

I HAVE learnt from private source that the three seized British sealers are to be sold on the 26th instant.

I might endeavour to obtain a postponement of the sale if the owners are willing to bond their vessels.

Inclosure 2 in No. 182.

*Lord Stanley of Preston to Mr. Edwardes.**March 12, 1889.*

YOUR telegram of the 8th March.

Minister of Marine does not think that any interference just now would be of any value. Owners of vessels will not bond at present valuation, and request for revaluation was refused by late Government.

No. 183.

Mr. Edwardes to the Marquis of Salisbury.—(Received April 1.)

My Lord,

Washington, March 18, 1889.

I HAVE the honour to inclose to your Lordship herewith a copy of a Bill which has become law, providing for the protection of the salmon fisheries of Alaska.

I have thought it worthy of transmission on account of section 3 of the Act which might possibly be quoted in connection with the seizure of sealers in the Behring's Sea.

I have, &c.
(Signed) H. G. EDWARDES.

Inclosure in No. 183.

[PUBLIC—No. 158.]

An Act to provide for the Protection of the Salmon Fisheries of Alaska.

BE it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled,

That the erection of dams, barricades, or other obstructions to any of the rivers of Alaska, with the purpose or result of preventing or impeding the ascent of salmon or other anadromous species to their spawning grounds, is hereby declared to be unlawful, and the Secretary of the Treasury is hereby authorized and directed to establish such regulations and surveillance as may be necessary to insure that this prohibition is strictly enforced, and to otherwise protect the salmon fisheries of Alaska; and every person who shall be found guilty of a violation of the provisions of this section shall be fined not less than 250 dollars for each day of the continuance of such obstruction.

Sec. 2. That the Commissioner of Fish and Fisheries is hereby empowered and directed to institute an investigation into the habits, abundance, and distribution of the salmon of Alaska, as well as the present conditions and methods of the fisheries, with a view of recommending to Congress such additional legislation as may be necessary to prevent the impairment or exhaustion of these valuable fisheries, and placing them under regular and permanent conditions of production.

Sec. 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Behring's Sea; and it shall be the duty of the President, at a timely season in each year, to issue his Proclamation, and cause the same to be published for one month in at least one newspaper, if any such there be published at each United States' port of entry

on the Pacific coast, warning all persons against entering said waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons, and seize all vessels found to be, or to have been, engaged in any violation of the Laws of the United States therein.

Approved March 2, 1889.

No. 184.

Foreign Office to Colonial Office.

Sir,

Foreign Office, April 4, 1889.

I AM directed by the Marquis of Salisbury to transmit, for the information of Secretary Lord Knutsford, a copy of a despatch from Mr. Edwardes, Her Majesty's Chargé d'Affaires at Washington,* on the question of the sale of the three British vessels seized by the United States' authorities in 1887 when engaged in seal fishing in Behring's Sea, and I am to request that you will move his Lordship to furnish Lord Salisbury with any observations he may have to offer on Mr. Edwardes' despatch.

I am, &c.

(Signed) T. H. SANDERSON.

No. 185.

Mr. Edwardes to the Marquis of Salisbury.—(Received April 5.)

(Extract.)

Washington, March 25, 1889.

I HAVE the honour to transmit to your Lordship herewith extracts of the correspondence which has been published in response to a Senate Resolution of the 2nd January, 1889, upon the seal fisheries in Behring's Sea.

Inclosure in No. 185.

Extracts from Part IV of the Message from the President of the United States of February 12, 1889, 50th Congress, 2nd Session, Ex. Doc. No. 106.

Mr. Poletica to Mr. Adams.

(Translation.)

Washington, January 30 (February 11), 1822.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of All the Russias, in consequence of orders which have lately reached him, hastens herewith to transmit to Mr. Adams, Secretary of State in the Department of Foreign Affairs, a printed copy of the Regulations adopted by the Russian-American Company, and sanctioned by His Imperial Majesty, relative to foreign commerce in the waters bordering the establishments of the said Company on the north-west coast of America.

The Undersigned conceives it to be, moreover, his duty to inform Mr. Adams that the Imperial Government, in adopting the Regulation, supposes that a foreign ship, which shall have sailed from a European port after the 1st March, 1822, or from one of the ports of the United States after the 1st July of the same year, cannot lawfully pretend ignorance of these new measures.

The Undersigned, &c.

(Signed) PIERRE DE POLETICA.

Inclosure 1.

Edict of His Imperial Majesty, Autocrat of All the Russias.

THE directing Senate maketh known unto all men:

Whereas in an Edict of His Imperial Majesty issued to the directing Senate on the 4th day of September, and signed by His Majesty's own hand, it is thus expressed:—

“Observing, from Reports submitted to us, that the trade of our subjects on the Aleutian Islands and on the north-west coast of America, appertaining unto Russia, is subject, because of secret and illicit traffic, to oppression and impediments: and finding that the principal cause of these difficulties is the want of Rules establishing the boundaries for navigation along these coasts, and the order of naval communication, as well in these places as on the whole of the eastern coast of Siberia and the

Kurile Islands, we have deemed it necessary to determine these communications by specific Regulations, which are hereto attached.

"In forwarding these Regulations to the directing Senate, we command that the same be published for universal information, and that the proper measures be taken to carry them into execution."

(Signed) Count D. GURIEF, *Minister of Finances.*

It is therefore decreed by the directing Senate that His Imperial Majesty's Edict be published for the information of all men, and that the same be obeyed by all whom it may concern.

[The original is signed by the directing Senate.]

Printed at St. Petersburg. In the Senate, the 7th September, 1821.

[On the original is written, in the handwriting of His Imperial Majesty, thus:]

Be it accordingly.

(Signed) ALEXANDER.

Kamenny Ostroff, September 4, 1821.

Inclosure 2.

Rules established for the Limits of Navigation and Order of Communication along the coast of the Eastern Siberia, the north-western coast of America, and the Aleutian, Kurile, and other Islands.

SECTION 1. The pursuits of commerce, whaling, and fishing, and of all other industry, on all islands, ports, and gulfs, including the whole of the north-west coast of America, beginning from Behring's Strait to the 51st degree of northern latitude; also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring's Strait to the south cape of the Island of Urup, viz., to 45° 50' northern latitude, are exclusively granted to Russian subjects.

Sec. 2. It is therefore prohibited to all foreign vessels not only to land on the coasts and islands belonging to Russia, as stated above, but also to approach them within less than 100 Italian miles. The transgressor's vessel is subject to confiscation along with the whole cargo.

Sec. 3. An exception to this rule is to be made in favour of vessels carried thither by heavy gales, or real want of provisions, and unable to make any other shores but such as belong to Russia; in these cases they are obliged to produce convincing proofs of actual reason for such an exception. Ships of friendly Governments, merely on discoveries, are likewise exempt from the foregoing Rule (section 2). In this case, however, they must previously be provided with passports from the Russian Minister of the Navy.

* * * * *

Mr. Adams to Mr. Poletica.

Sir,

Department of State, Washington, February 25, 1822.

I HAVE the honour of receiving your note of the 11th instant, inclosing a printed copy of the Regulations adopted by the Russian-American Company, and sanctioned by His Imperial Majesty, relating to the commerce of foreigners in the waters bordering on the establishments of that Company upon the north-west coast of America.

I am directed by the President of the United States to inform you that he has seen with surprise, in this Edict, the assertion of a territorial claim on the part of Russia, extending to the 51st degree of north latitude on this continent, and a Regulation interdicting to all commercial vessels other than Russian, upon the penalty of seizure and confiscation, the approach upon the high seas within 100 Italian miles of the shores to which that claim is made to apply. The relations of the United States with His Imperial Majesty have always been of the most friendly character, and it is the earnest desire of this Government to preserve them in that state. It was expected, before any act which should define the boundary between the territories of the United States and Russia on this continent, that the same would have been arranged by Treaty between the parties. To exclude the vessels of our citizens from the shore beyond the ordinary distance to which the territorial jurisdiction extends, has excited still greater surprise.

This Ordinance affects so deeply the rights of the United States and of their citizens that I am instructed to inquire whether you are authorized to give explanations of the grounds of right, upon principles generally recognized by the laws and usages of nations, which can warrant the claims and Regulations contained in it.

I avail, &c.

(Signed) JOHN QUINCY ADAMS.

Mr. Poletica to Mr. Adams.

Washington, February 28, 1822.

MR. POLETICA replied on the 28th of the same month, and, after giving a summary of historical incidents which seemed to him to establish the title of Russia to the territories in question by first discovery, said:—

"I shall be more succinct, Sir, in the exposition of the motives which determined the Imperial Government to prohibit foreign vessels from approaching the north-west coast of America belonging to Russia within the distance of at least 100 Italian miles. This measure, however severe it may at first appear, is, after all, but a measure of prevention. It is exclusively directed against the culpable enterprises of foreign adventurers, who, not content with exercising upon the coasts above mentioned

an illicit trade very prejudicial to the rights reserved entirely to the Russian-American Company, take upon them besides to furnish arms and ammunition to the natives in the Russian possessions in America, exciting them likewise in every manner to resist and revolt against the authorities there established.

"The American Government doubtless recollects that the irregular conduct of these adventurers, the majority of whom was composed of American citizens, has been the object of the most pressing remonstrances on the part of Russia to the Federal Government from the time that Diplomatic Missions were organized between the countries. These remonstrances, repeated at different times, remain constantly without effect, and the inconveniences to which they ought to bring a remedy continue to increase. . . .

"I ought, in the last place, to request you to consider, Sir, that the Russian possessions in the Pacific Ocean extend, on the north-west coast of America, from Behring's Strait to the 51st degree of north latitude, and on the opposite side of Asia and the islands adjacent, from the same strait to the 45th degree. The extent of sea of which these possessions form the limits comprehends all the conditions which are ordinarily attached to shut seas ("mers fermées"), and the Russian Government might consequently judge itself authorized to exercise upon this sea the right of sovereignty, and especially that of entirely interdicting the entrance of foreigners. But it preferred only asserting its essential rights without taking any advantage of localities."

Mr. Adams to Mr. Poletica.

Sir,

Department of State, Washington, March 30, 1822.

I HAVE had the honour of receiving your letter of the 28th ultimo, which has been submitted to the consideration of the President of the United States.

From the deduction which it contains of the grounds upon which Articles of Regulation of the Russian-American Company have now, for the first time, extended the claim of Russia on the north-west coast of America to the 51st degree of north latitude, its only foundation appears to be the existence of the small Settlement of Novo Archangelsk, situated, not on the American continent, but upon a small island in latitude 57°; and the principle upon which you state that this claim is now advanced is that the 51st degree is equidistant from the Settlement of Novo Archangelsk and the establishment of the United States at the mouth of the Columbia River. But, from the same statement, it appears that, in the year 1799, the limits prescribed by the Emperor Paul to the Russian-American Company were fixed at the 55th degree of latitude, and that, in assuming now the latitude 57°, a new pretension is asserted, to which no settlement made since the year 1799 has given the colour of a sanction.

This pretension is to be considered not only with reference to the question of territorial right, but also to that prohibition to the vessels of other nations, including those of the United States, to approach within 100 Italian miles of the coasts. From the period of the existence of the United States as an independent nation, their vessels have freely navigated those seas, and the right to navigate them is a part of that independence.

With regard to the suggestion that the Russian Government might have justified the exercise of sovereignty over the Pacific Ocean as a close sea, because it claims territory both on its American and Asiatic shores, it may suffice to say that the distance from shore to shore on this sea, in latitude 51° north, is not less than 90 degrees of longitude, or 4,000 miles.

As little can the United States accede to the justice of the reason assigned for the prohibition above mentioned. The right of the citizens of the United States to hold commerce with the aboriginal natives of the north-west coast of America, without the territorial jurisdiction of other nations, even in arms and munitions of war, is as clear and indisputable as that of navigating the seas. That right has never been exercised in a spirit unfriendly to Russia; and, although general complaints have occasionally been made on the subject of this commerce by some of your predecessors, no specific ground of charge has ever been alleged by them of any transaction in it which the United States were, by the ordinary laws and usages of nations, bound either to restrain or to punish. Had any such charge been made, it would have received the most pointed attention of this Government, with the sincerest and firmest disposition to perform every act and obligation of justice to yours which could have been required. I am commanded by the President of the United States to assure you that this disposition will continue to be entertained, together with the earnest desire that the harmonious relations between the two countries may be preserved.

Relying upon the assurance in your note of similar dispositions reciprocally entertained by His Imperial Majesty towards the United States, the President is persuaded that the citizens of this Union will remain unmolested in the prosecution of their lawful commerce, and that no effect will be given to an interdiction manifestly incompatible with their rights.

I am, &c.

(Signed)

JOHN QUINCY ADAMS.

Mr. Poletica to Mr. Adams.

(Extract.)

Washington, April 2, 1822.

MR. POLETICA replied on the 2nd April following, and after again endeavouring to prove the title of Russia to the north-west coast of America, from Behring's Straits to the 51st degree of north latitude, said:—

"In the same manner the great extent of the Pacific Ocean at the 51st degree of latitude cannot invalidate the right which Russia may have of considering that part of the ocean as close. But as the

Imperial Government has not thought fit to take advantage of that right, all further discussion on this subject would be idle.

"As to the right claimed for the citizens of the United States of trading with the natives of the country of the north-west coast of America, without the limits of the jurisdiction belonging to Russia, the Imperial Government will not certainly think of limiting it, and still less of attacking it there."

Mr. Adams to Mr. Middleton.

(Extract.)

Department of State, Washington, July 22, 1823.

FROM the tenour of the Ukase of the 4th (16th) September, 1821, the pretensions of the Imperial Government extend to an exclusive territorial jurisdiction from the 45th degree of north latitude, on the Asiatic coast, to the latitude of 51° north on the western coast of the American continent; and they assume the right of interdicting the navigation and fishery of all other nations to the extent of 100 miles from the whole of that coast.

The United States can admit no part of these claims. Their right of navigation and of fishing is perfect, and has been in constant exercise from the earliest times, after the Peace of 1783, throughout the whole extent of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions, which, so far as Russian rights are concerned, are confined to certain islands north of the 55th degree of latitude, and have no existence on the Continent of America.

AT the fourth Conference which preceded the signature of the Treaty of the 5th (17th) April, 1824, Mr. Middleton, the United States' Representative, submitted to Count Nesselrode the following paper:—

"(Translation.)

"The dominion cannot be acquired but by a real occupation and possession, and an intention ('animus') to establish it is by no means sufficient.

"Now, it is clear, according to the facts established, that neither Russia nor any other European Power has the right of dominion upon the continent of America between the 50th and 60th degrees of north latitude.

"Still less has she the dominion of the adjacent maritime territory, or of the sea which washes these coasts, a dominion which is only accessory to the territorial dominion.

"Therefore she has not the right of exclusion or of admission on these coasts, nor in these seas, which are free seas.

"The right of navigating all the free seas belongs, by natural law, to every independent nation, and even constitutes an essential part of this independence.

"The United States have exercised navigation in the seas, and commerce upon the coasts above mentioned, from the time of their independence; and they have a perfect right to this navigation and to this commerce, and they can only be deprived of it by their own act or by a Convention."

Extract from Convention of April 5 (17), 1824.

ARTICLE I. It is agreed that, in any part of the great ocean, commonly called the Pacific Ocean or South Sea, the respective citizens or subjects of the High Contracting Powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following Articles.

Art. II. With a view of preventing the rights of navigation and of fishing exercised upon the great ocean by the citizens and subjects of the High Contracting Powers from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the Governor or Commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the north-west coast.

Art. III. It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the north-west coast of America, nor in any of the islands adjacent, to the north of 54° 40' of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

Art. IV. It is nevertheless understood that, during a term of ten years, counting from the signature of the present Convention, the ships of both Powers, or which belong to their citizens or subjects, respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbours, and creeks upon the coast mentioned in the preceding Article, for the purpose of fishing and trading with the natives of the country.

Mr. Forsyth to Mr. Dallas.

Sir,

Department of State, Washington, May 4, 1837.

I REGRET to have occasion so soon again to advert to a subject connected with the claims of the United States to the right of trading with the natives of the country, and of fishing on the north-west

coast of this continent. You will perceive from a perusal of the accompanying papers that the expiration of the IVth Article of the Convention of 1824 with Russia is not unlikely to be attended with difficulties to our citizens frequenting that coast in pursuit of lawful objects. The leading features of the case, to which your attention is now invited (the particulars of which are more fully detailed in the inclosed copy of a letter, dated the 24th November last, from J. C. Jones, Consul of the United States at the Sandwich Islands, to this Department, and of the protest to which it refers), are as follows:—

The American brig "Loriot," Blinn, master, sailed from the port of Oahu on the 22nd August last, bound to the north-west coast of America, for the purpose of procuring provisions, and also Indians to hunt for sea-otter on the said coast. It appears that she made the land called Forrester's Island on the 14th September following, and on the 15th anchored in the harbour of Tuckessan, latitude 54° 55' north, and longitude 132° 30' west; that on the 18th a Russian armed brig arrived in the harbour of Tateskey, latitude 54° 45' north, and longitude 132° 55' west; that on the succeeding day the "Loriot" was boarded by officers from the Russian brig, who ordered the captain of the American vessel to leave the dominions of His Majesty the Emperor of Russia; that Captain Blinn then repaired on board the Russian brig, where the same orders were repeated to him by the Commander; that on the 20th and 23rd days of the same month these orders were reiterated; that on the 25th the "Loriot" was boarded by two armed boats from the Russian brig, and directed to get under way and proceed to the harbour of Tateskey; that on the 27th the armed boats again boarded the American brig, and compelled the captain to proceed to Tateskey; that when off that place, the weather being threatening, permission was asked of the Russian Commander to enter the harbour with the "Loriot," which request was denied, and Captain Blinn was again ordered to leave the waters of His Imperial Majesty; and that Captain Blinn, being prevented from procuring supplies or necessities for his vessel, and from obtaining any Indians (for the purpose of hunting sea-otter), was finally obliged to abandon his voyage and return to the Sandwich Islands, where he arrived on the 1st November of the same year.

The harbours designated in Captain Blinn's protest by the names of Tuckessan and Tateskey are not laid down on any Map to which I have referred, and the Department has no knowledge of any Russian establishments having been formed on the north-west coast or adjacent islands in or about the latitude given for these places. It will, therefore, be proper to ascertain whether there are, in fact, Russian Settlements at the points designated, and, if so, you are authorized to make a representation of the whole subject to His Imperial Majesty's Government, complaining of the proceedings in relation to the "Loriot," which are supposed to have been unauthorizedly instigated by the Russian American Fur Company, and stating that the President cannot but regard this act as one of a most unfriendly character, as the United States have had no official or other notice of the existence of such establishments, and have not, although an application has long since been made for them, ever been furnished by the Russian Government with the Regulations, consequent on the expiration of the IVth Article of the Convention, proposed to be applied to American vessels resorting to Russian Settlements on that coast.

On the other hand, should there prove to be no Russian establishments at the places mentioned, this outrage on the "Loriot" assumes a still graver aspect. It is a violation of the right of the citizens of the United States, immemorially exercised and secured to them as well by the law of nations as by the stipulations of the 1st Article of the Convention of 1824, to fish in those seas, and to resort to the coast for the prosecution of their lawful commerce upon points not already occupied. As such, it is the President's wish that you should remonstrate, in an earnest but respectful tone, against this groundless assumption of the Russian Fur Company, and claim from His Imperial Majesty's Government for the owners of the brig "Loriot," for their losses and for the damages they have sustained, such indemnification as may, on an investigation of the case, be found to be justly due to them.

I am, &c.
(Signed) JOHN FORSYTH.

Mr. Forsyth to Mr. Dallas.

(Extract.)

Department of State, Washington, November 3, 1837.

WITH reference to your remarks regarding the proper construction of the Convention of April 1824 between the United States and Russia, the 1st Article of that instrument is only declaratory of a right which the parties to it possessed, under the law of nations, without Conventional stipulations, to wit, to navigate and fish in the ocean upon an unoccupied coast, and to resort to such coast for the purpose of trading with the natives.

No. 186.

Mr. Edwardes to the Marquis of Salisbury.—(Received April 6.)

My Lord,

Washington, March 23, 1889.

WITH reference to my despatch of the 18th instant, to my telegram of the 23rd instant, to your Lordship's telegram of the 23rd instant, and to my telegram of the same day, I have the honour to report that the Proclamation issued on the afternoon of the 22nd instant by the President, declaring that all persons entering the waters of Behring's Sea within the domain of the United States for the

purpose of killing fur-bearing animals, or of violating Regulations to be made with regard to the salmon fisheries of Alaska, shall be arrested and their vessels, &c., seized, has been issued on the power given to him by the "Act to provide for the protection of the salmon fisheries in Alaska."

Copy of this Act was inclosed in my despatch of the 18th instant, and was one of the last Acts which was passed in the closing hours of Congress.

The Bill originated in the Senate where it was passed, after having been reduced to sections 1 and 2 of the present Act, and in that condition sent to the House.

At that time there was before the House another Bill of similar import, which had been referred back from the Committee of Merchant Marine and Fisheries, and was waiting to be reached.

When the Senate Bill came up before the House section 3 was added to it as an amendment, which amendment the House intended to take the place of their Bill, the passing of which was evidently impossible on account of want of time. The Senate refused to accept the House amendment, and the Bill was accordingly referred to a Conference, the result of whose action was its acceptance at the last hour by both Houses. I am told that the President's approval and signature were really only obtained on Sunday, the 3rd instant, but as that day is not a legal day, the approval is dated the 2nd instant.

Like many other Acts, it was hurried through the Legislature in its last hours without any but its immediate instigators having any knowledge of its scope or even of its effect, and there can be no doubt but that the House amendment to the Senate Bill, that is to say, section 3, has been the work of those interested in the Alaska Fur-seal Company.

The President has lost no time in making use of the authority it has given him, by issuing the Proclamation which appeared yesterday, one of the objects of which is to again assert the claim of the United States to dominion over the Behring's Sea, which claim the United States' Government denied when it was put forward by the Russian Government by the Imperial Ukase of the 14th (16th) September, 1821.

The Proclamation may also deter American and Canadian fishermen from engaging in seal fishing in the open waters of the Behring's Sea this season.

Section 1956 of the Revised Statutes provides for the punishment of persons killing fur-bearing animals without the authorization of the Secretary of the Treasury (the taking of seals being still further restricted) "within the limits of Alaska Territory, or in the waters thereof."

Section 3 of the Act of the 2nd March, 1889, extends section 1956 to "all the dominion of the United States in the waters of the Behring's Sea."

It may consequently be thought that the Proclamation following upon the Act is an attempt to settle an international question, which, doubtless, other Powers may still consider an open one.

I have, &c.

(Signed) H. G. EDWARDES.

No. 187.

Mr. Edwardes to the Marquis of Salisbury.—(Received April 5.)

My Lord,

Washington, March 25, 1889.

WITH reference to my despatch of the 18th instant, inclosing a copy of the Act to provide for the protection of the salmon fisheries of Alaska, I have now the honour to report in detail the course of this Act through the two Houses in Congress.

On the 25th February, Mr. Stockbridge, Senator for Michigan, introduced a Bill, copy inclosed, to amend section 1963 of the Revised Statutes, and to provide for the better protection of the fur seals and salmon fisheries of Alaska, and for other purposes, which was read twice and referred to the Committee on Fisheries.

The Bill was reported back by Mr. Stockbridge a few days later, copy of Report is herewith inclosed, the Committee having recommended an amendment in the nature of a substitute. The whole Bill as amended then consisted solely of sections 1 and 2 of the Act as ultimately passed, and in that state it was passed by the Senate, almost without discussion.

The Bill was then brought up before the House, and an amendment was offered Mr. Dunn, which added a section 3. The amendment ran as follows:—

"Section 3. That section 1956 of the Revised Statutes of the United States was intended to include and apply, and is hereby declared to include and apply, to all the waters in Behring's Sea in Alaska embraced within the boundary lines mentioned and described in the Treaty with Russia, dated 30th March, A.D. 1867, by which the Territory of Alaska was ceded to the United States; and it shall be the duty of the President at a timely season in each year to issue his Proclamation, and cause the same to be published for one month in at least one newspaper published at each United States' port of entry on the Pacific coast, warning all persons against entering said territory and waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters, and arrest all persons and seize all vessels found to be, or to have been, engaged in any violation of the Laws of the United States therein:" and, after an explanation that the object of the amendment was solely the preservation of seals from extermination, was passed. When the Bill came back to the Senate, the House amendment above cited was disagreed to; the objection being made that the amendment touched upon the question of the rights of the Government of the United States. These, it was maintained by Senator Morgan, had not been considered, or intended to be considered, in the original Senate Bill, and there was now no time to consider a question of such importance. A Conference of the two Houses was consequently called, which agreed to recommend the adoption of the Bill, with an amendment run as follows:—

"That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Behring's Sea; and it shall be the duty of the President, at a timely season in each year, to issue his Proclamation, and cause the same to be published for one month in at least one newspaper if any such there be published at each United States' port of entry on the Pacific coast, warning all persons against entering said waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters, and arrest all persons and seize all vessels found to be, or to have been, engaged in any violation of the Laws of the United States therein."

In this shape the Bill was ultimately accepted by both Houses, the Conferrees from the Houses recognizing that there was no time to allow of the discussion and passage of another Bill of similar import introduced into the House by Mr. Dunn. The approval and signature by the President were obtained on the last day of the Session.

Further copies of the Act are herewith inclosed, together with the full report of the proceedings taken from the Congressional Record.

I have, &c.
(Signed) H. G. EDWARDES.

Inclosure 1 in No. 187.

50TH CONGRESS, 2ND SESSION.—S. 3993.

IN THE SENATE OF THE UNITED STATES.

February 25, 1889.

Mr. Stockbridge introduced the following Bill; which was read twice and referred to the Committee on Fisheries.

A Bill to amend Section 1963 of the Revised Statutes, and to provide for the better Protection of the Fur Seals and Salmon Fisheries of Alaska, and for other Purposes.

BE it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled: that section 1963 of the Revised Statutes of the United States be amended so as to read as follows:—

"Section 1963. Within one year prior to the time when the lease heretofore made by the Secretary of the Treasury to the Alaska Commercial Company, of the right to engage in taking fur seals on the islands of St. Paul and St. George, pursuant to the Act of the 1st July, 1870, cap. 189, or when any future similar lease expires, or is surrendered, forfeited, or terminated, the Secretary of the Treasury shall lease to

proper and responsible parties, for the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, their comfort, maintenance, and education, as well as to the interests of the parties heretofore engaged in the trade and the protection of the fisheries, the right of taking fur seals on the islands herein named, and of sending a vessel or vessels to the islands for the skins of such seals, for the term of twenty years, at an annual rental of not less than 50,000 dollars, to be reserved in such lease and secured by a deposit of United States' bonds to that amount; and the additional sum of not less than 3 dol. 50 c. for each fur seal-skin taken and shipped from the islands of St. Paul and St. George during the continuance of any lease, to be paid into the Treasury of the United States, and every such lease shall be duly executed in duplicate, and shall not be transferable; and the Secretary of the Treasury is empowered to make all needful regulations for the collection and payment of the same, and to secure the comfort, maintenance, education, and protection of the natives of those islands, and also to carry into full effect all the provisions of this chapter, except as otherwise prescribed. And he shall give at least sixty days' notice of the letting of said lease, by publication in at least one daily paper published in the cities of Boston, New York, Philadelphia, Baltimore, Washington, Chicago, New Orleans, St. Louis, and San Francisco, inviting bids for the same."

Sec. 2. That section 1956 of the Revised Statutes of the United States was intended to include and apply, and is hereby declared to include and apply, to all the waters of Behring's Sea in Alaska embraced within the boundary lines mentioned and described in the Treaty with Russia, dated 30th March, A.D. 1867, by which the Territory of Alaska was ceded to the United States; and it shall be the duty of the President, at a timely season in each year, to issue his Proclamation and cause the same to be published for one month in at least one newspaper published at each United States' port of entry on the Pacific coast, warning all persons against entering said territory and waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters, and arrest all persons, and seize all vessels found to be, or to have been, engaged in any violation of the Laws of the United States therein.

Sec. 3. That section 1969 of the Revised Statutes of the United States be, and the same is hereby, repealed.

Sec. 4. That the erection of dams, barricades, or other obstructions in any of the rivers of Alaska, with the purpose or result of preventing or impeding the ascent of salmon or other anadromous species to their spawning grounds, is hereby declared to be unlawful, and the Secretary of the Treasury is hereby authorized and directed to establish such Regulations and surveillance as may be necessary to insure that this prohibition is strictly enforced; and every person who shall be found guilty of a violation of the provisions of this section shall be fined not less than 250 dollars for each day of the continuance of such obstruction.

Sec. 5. That the Commissioner of Fish and Fisheries is hereby empowered and directed to institute an investigation into the habits, abundance, and distribution of the salmon of Alaska, as well as the present conditions and methods of the fisheries, with a view of recommending to Congress such additional legislation as may be necessary to prevent the impairment or exhaustion of these valuable fisheries, and placing them under regular and permanent conditions of production.

Inclosure 2 in No. 187.

50TH CONGRESS, 2ND SESSION.—REPORT No. 2687.

IN THE SENATE OF THE UNITED STATES.

February 27, 1889.—Ordered to be printed.

Mr. Stockbridge, from the Committee on Fish and Fisheries, submitted the following

Report (To accompany Bill S. 3993).

THE Committee on Fish and Fisheries, to whom was referred the Bill (S. 3993) to amend section 1963 of the Revised Statutes, and to provide for the better protection of the fur seals and salmon fisheries of Alaska, and for other purposes, beg leave to offer a substitute therefor, together with the accompanying Report:—

Salmon of different species are abundantly distributed to all the waters of Alaska from British Colombia to Norton Sound. The greater portion of their life is spent in salt water. They enter the rivers mainly for the purpose of reproduction, and it is there that they become the object of pursuit and capture. The spawning grounds are on the gravelly beds at the sources of the rivers.

Any obstructions placed in the rivers which wholly or in considerable measure prevent them from reaching their spawning grounds will in a very short period of time result in the destruction of valuable fisheries, which under judicious regulation and restraint are a source of continuing wealth and production to the inhabitants of the territory. Up to the present time one river only, the Koriuk, on the Island of Kodiak, has been seriously obstructed by the use of dams or barricades to arrest the ascent of salmon. This stream, hardly 20 miles long, yielded during the season of 1888 salmon to the value of 1,200,000 dollars. This extraordinary production has been at the cost of permanence, and should the use of dams and barricades be continued several years longer, the Koriuk will cease to be a salmon river.

The marvellous profits reaped by the canners on the Koriuk River in 1888 has stimulated enterprise all along the west coast, and numerous expeditions are being now fitted out for the purpose of engaging in the salmon fisheries of Alaska the present season. Their objective points are the small streams, which can be readily obstructed by dams or other barriers, and it is certain that, in the absence of restraining legislation, this means of enhancing profits will be resorted to without scruple, and without regard to the fact that such methods generally pursued will result in the destruction of the salmon fisheries of the territory.

Inclosure 3 in No. 187.

An Act to provide for the Protection of the Salmon Fisheries of Alaska.

[See Inclosure in No. 183.]

Inclosure 4 in No. 187.

Salmon Fisheries of Alaska.

Mr. Stockbridge.—I am directed by the Committee on Fisheries, to whom was referred the Bill (S. 3993) to amend section 1963 of the Revised Statutes, and to provide for the better protection of the fur seals and salmon fisheries of Alaska, and for other purposes, to report it with an amendment in the nature of a substitute. It is a short Bill, and a very important one to the fisheries of Alaska. It is very strongly urged by the Fish Commissioner. I ask for the present consideration of the Bill.

The President, pro tempore.—The Senator from Michigan asks unanimous consent that the Bill reported by him may be now considered. It will be read at length for information.

The Bill was read.

The amendment reported by the Committee on Fisheries was to strike out all after the enacting clause, and insert:—

“That the erection of dams, barricades, or other obstructions in any of the rivers of Alaska, with the purpose or result of preventing or impeding the ascent of salmon or other anadromous creatures to their spawning grounds, is hereby declared to be unlawful; and the Secretary of the Treasury is hereby authorized and directed to establish such Regulations and surveillance as may be necessary to insure that this prohibition is strictly enforced, and to otherwise protect the salmon fisheries of Alaska; and every person who shall be found guilty of a violation of the provisions of this section shall be fined not less than 250 dollars for each day of the continuance of such obstruction.

Sec. 2. That the Commissioner of Fish and Fisheries is hereby empowered and directed to institute an investigation into the habits, abundance, and distribution of the salmon of Alaska, as well as the present conditions and methods of the fisheries, with a view of recommending to Congress such additional legislation as may be necessary to prevent the impairment or exhaustion of these valuable fisheries, and placing them under regular and permanent conditions of production.”

By unanimous consent, the Senate, as in Committee of the whole, proceeded to consider the Bill.

The President, pro tempore.—The question is on agreeing to the amendment reported by the Committee on Fisheries.

The amendment was agreed to.

The Bill was reported to the Senate as amended, and the amendment was concurred in.

The Bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. Dawes.—The title should be amended. I call the attention of the Senator from Michigan to the fact that the Bill does not relate to the fur seals as amended.

Mr. Stockbridge.—No, Sir; it relates to the salmon fisheries of Alaska. The title should be amended.

The title was amended so as to read: "A Bill to provide for the Protection of the Salmon Fisheries of Alaska."

Mr. Platt.—Does the section of the Revised Statutes which is referred to relate to salmon fisheries?

Mr. Stockbridge.—Yes, Sir.

Mr. Stewart.—I should like to have the Bill lie over, so that I may look at it. I do not know that I shall want to object to it after I examine it.

The President, pro tempore.—The Senator from Nevada moves to reconsider the vote by which the Senate passed the Bill.

Mr. Dawes.—I wish to say to the Senator from Nevada that unless the Bill goes to the other branch immediately it will be entirely useless. It is the result of an investigation of a Committee in the other branch with reference to the salmon fisheries only. It has nothing to do with the fur-seal fisheries.

Mr. Stewart.—I will enter a motion to reconsider and look at it.

The President, pro tempore.—The Senator from Nevada enters a motion to reconsider the vote by which the Bill was passed.

Mr. Stewart subsequently said: I should like to withdraw my motion to reconsider the Bill in regard to the salmon fisheries of Alaska.

The President, pro tempore.—Is there objection? The Chair hears none, and the motion to reconsider is withdrawn. The Bill stands passed.

Salmon Fisheries of Alaska.

The Speaker also laid before the House the Bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska.

Mr. Dunn.—Mr. Speaker, the provisions of that Bill are contained in a Bill reported unanimously from the Committee on Merchant Marine and Fisheries. It is an emergency Bill, necessary for the preservation of the salmon fisheries of Alaska, and I ask unanimous consent that it be now considered. It contains nothing else but the necessary measures for the protection of these important fisheries.

The Speaker.—The Bill which the gentleman from Arkansas says has been reported from the Committee on Merchant Marine and Fisheries has been read already in the House, and unless there be a demand for the reading of the Senate Bill, the reading will be dispensed with.

There was no objection.

Mr. Anderson, of Kansas.—Is this the Bill that makes the lease to the Fisheries Company?

Mr. Dunn.—No; this is a different Bill. I shall report that from the Committee, and give the House ample opportunity to consider it hereafter. This is a Senate Bill, which relates simply to the salmon fisheries. It is identical with sections 4 and 5 of the House Bill, prohibiting the erection of dams or other obstructions in the rivers of Alaska which prevent the salmon from ascending to their spawning grounds.

The Speaker.—Is there objection to the present consideration of the Bill?

There was no objection.

Mr. Dunn.—I offer an amendment which relates also to the preservation of the herd of seals, and I ask the previous question upon the Bill and amendment.

Mr. Biggs.—I reserve the right to object.

The Speaker.—The amendment will be read.

The Clerk read as follows:—

"Section 3. That section 1953 of the Revised Statutes of the United States was intended to include and apply, and is hereby declared to include and apply, to all the waters of Behring's Sea in Alaska embraced within the boundary lines mentioned and

described in the Treaty with Russia, dated the 30th March, A.D. 1867, by which the Territory of Alaska was ceded to the United States; and it shall be the duty of the President, at a timely season in each year, to issue his Proclamation, and cause the same to be published for one month in at least one newspaper published at each United States' port of entry on the Pacific coast, warning all persons against entering said territory and waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters, and arrest all persons and seize all vessels found to be, or to have been, engaged in any violation of the Laws of the United States therein."

Mr. Taulbee.—I would like to ask the gentleman, in the light of his explanation, the necessity for this Resolution at this time.

Mr. Dunn.—The necessity is that the general Bill, reported by the Committee to the House, has been recommitted for the purpose of considering certain amendments relating to the reletting of the lease and the length of its term in future, and in the present condition of the House, it is not at all probable that it will receive final consideration in time to pass the Senate. This amendment simply provides for the protection to the herd of seals and the salmon until there can be further legislation of a permanent character.

Mr. Taulbee.—Does it have the effect of sending up the vessels named in this amendment as patrols to protect the Company which already has the control of that business?

Mr. Dunn.—Not at all. It is to protect the herd of seals and enforce the Laws of the United States which were enacted in 1870.

Mr. Taulbee.—Why can not the President do that by existing law?

Mr. Dunn.—There has been a relaxation of the enforcement of the Law heretofore, so that unauthorized persons have concluded that the Government does not intend to enforce the Law, and not less that 150 vessels are to-day fitting out to go to Behring's Sea. They will literally cover that sea with unlawful seal-hunters armed with guns, and the destruction of seal-life that will take place, and the fusilade of fire-arms that will occur in that sea during four months of next summer will drive every seal from it that is not killed in the general and indiscriminate slaughter. It does not change the Law, but commands the President of the United States to enforce it.

Mr. Buchanan.—And is not this method of getting seals—by shooting them in the open sea—the most wasteful method that could be devised, only about one in five being recovered?

Mr. Dunn.—About one out of seven is recovered. The time has come when the Government must enforce the Laws for the preservation of our herd of seals with firmness and decision, or suffer an absolute destruction of the herd. The danger is imminent, and I hope no gentleman will object to it. It does not involve a dollar of expenditure.

It is useless to protect the seals on the rookeries—the islands of St. Paul and St. George—and leave them to their fate in the waters of Behring's Sea. If they are left without protection in the sea, there will soon be none left to go to the rookeries. (Cries of "Vote!" "Vote!")

The amendment was agreed to.

The Bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. Dunn moved to reconsider the vote by which the Bill was passed; and also moved that the motion to reconsider be laid on the Table.

The latter motion was agreed to.

Salmon Fisheries of Alaska.

The President, pro tempore.—Reports of Committees are now in order.

Mr. Sherman.—I am instructed by the Committee on Foreign Relations to report back the Bill (S. 3993) to amend section 1963 of the Revised Statutes, and to provide for the better protection of the fur seals and salmon fisheries of Alaska, and for other purposes, with the House amendment, with a recommendation that the House amendment be disagreed to. I ask for its present consideration.

The Presiding Officer (Mr. Chace in the chair).—Is there objection to the present consideration of the House amendment to this Bill? The Chair hears none.

The title of the Bill was read.

The Presiding Officer.—Does the Senator wish a Conference?

Mr. Sherman.—I ask that the amendment of the House be disagreed to, and then I shall ask for a Committee of Conference.

The Presiding Officer.—It is moved by the Senator from Ohio that the Senate disagree to the amendment of the House of Representatives.

Mr. Morgan.—Has this Bill passed the Senate?

Mr. Sherman.—It is a Senate Bill which has passed the House with an amendment. We now report disagreement to the House amendment.

Mr. Morgan.—And the question is on disagreeing to the amendment of the House.

Mr. Sherman.—Yes, sir.

Mr. Morgan.—I wish to say just this: That in the Report made by the Committee the rights of the Government of the United States were not considered, and not intended to be considered. We only arrive at the conclusion that the question presented in the amendment of the House is of such a serious and important a character that the Committee on Foreign Relations would not undertake at this time to pronounce that kind of judgment upon it which is due to the magnitude of such a question.

I desire that the Bill as it passed the Senate originally should pass, because it protects the salmon and other fisheries in Alaska, about which there is no dispute; but this particular question is one of very great gravity and seriousness, and the Committee on Foreign Relations, or at least a majority of the entire Committee, did not feel warranted in undertaking to consider it at this time.

Mr. Sherman.—I intended, when the amendment was properly before us, to say to the Senate that the Committee on Foreign Relations were of the opinion that while there was no objection at all to the Senate Bill as it passed, it being for a clear and plain purpose, the question proposed by the House in the form of an amendment was a grave one, and had no relation to the subject-matter of the Bill, and ought not to be connected with it, had no connection really with it, and involved serious matters of international law, perhaps, and of public policy, and therefore it ought to be considered by itself.

I was directed by the Committee to state that the subject-matter, the merits of the proposition proposed by the House, were not before us, and not considered by us, and we are not at all committed for or against the proposition made by the House. We make this Report simply because it has no connection with the Bill itself, and it ought to be disagreed to and abandoned, and considered more carefully hereafter. I therefore ask for a Committee of Conference on the disagreeing votes of the two Houses.

The Presiding Officer.—The question is on agreeing to the amendment of the House of Representatives.

The amendment was not concurred in.

The Presiding Officer.—The Senator from Ohio now moves that the Senate ask for a Conference with the House of Representatives on the disagreeing votes.

The motion was agreed to.

Alaska Salmon Fisheries.

Mr. Dunn.—I submit the following Conference Report.

The Clerk read as follows:—

“The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Bill to provide for the protection of the salmon fisheries of Alaska having met, after full and free conference have agreed to recommend to their respective Houses, and do recommend:—

“That the Senate recede from its disagreement to the amendment of the House, and agree to the same, with an amendment to read as follows:—

“Section 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominions of the United States in the waters of Behring's Sea, and it shall be the duty of the President at a timely season in each year to issue his Proclamation, and cause the same to be published for one month at least in one newspaper (if any such there be) published at each United States' port of entry on the Pacific coast, warning all persons against entering such waters for the purpose of violating the provisions of said section, and he shall also cause one or more vessels of the United States to diligently cruize said waters, and arrest all persons and

seize all vessels found to be, or to have been, engaged in any violation of the Laws of the United States therein.'

"And the House agree to the same."

(Signed)

POINDEXTER DUNN,
BENTON McMILLIN,
CHARLES N. FELTON,

(Signed)

Managers on the part of the House.
JOHN SHERMAN,
J. T. MORGAN,
GEORGE F. EDMUNDS,
Managers on the part of the Senate.

The following is the Statement accompanying the Report under the Rule:—

Statement.

"The effect of the amendment is to leave out of the House amendment the words that are descriptive of the boundaries of the waters of Alaska."

(Signed)

POINDEXTER DUNN,
BENTON McMILLIN,
C. N. FELTON.

Managers on the part of the House.

The Conference Report was adopted.

Mr. Dunn moved to reconsider the vote by which the Conference Report was adopted; and also moved that the motion to reconsider be laid on the Table.

The latter motion was agreed to.

Salmon Fisheries of Alaska.

Mr. Sherman.—I ask that the action of the House of Representatives on Senate Bill 3993 be laid before the Senate.

The Resolution of the House of Representatives was read as follows:—

"In the House of Representatives, March 2, 1889.

"Resolved, that the House concur in the Report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the House to the Bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska."

Mr. Sherman submitted the following Report:—

"The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:—

"That the Senate recede from its disagreement to the amendment of the House, and agree to the same, with an amendment to read as follows:—

"Section 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Behring's Sea, and it shall be the duty of the President, at a timely season in each year, to issue his Proclamation, and cause the same to be published for one month in at least one newspaper (if any such there be) published in each United States' port of entry on the Pacific coast, warning all persons against entering said waters for the purpose of violating the provisions of said section, and he shall cause one or more vessels of the United States to diligently cruize said waters, and arrest all persons and seize all vessels found to be, or to have been, engaged in any violation of the Laws of the United States therein.'

"And the House agree to the same."

(Signed)

JOHN SHERMAN,
JOHN T. MORGAN,
GEORGE F. EDMUNDS,

Managers on the part of the Senate.

(Signed)

POINDEXTER DUNN,
BENTON McMILLIN,
C. N. FELTON,

Managers on the part of the House.

The President, pro tempore.—If there be no objection to the present consideration of the Report, the question is upon concurring in the same.
The Report was concurred in.

No. 188.

Colonial Office to Foreign Office.—(Received April 11.)

Sir, *Downing Street, April 10, 1889.*

I AM directed by Lord Knutsford to acknowledge the receipt of your letters of the 25th ultimo and 3rd instant, inclosing copies of despatches from Her Majesty's Chargé d'Affaires at Washington on the Behring's Sea question.*

The Proclamation recently issued by President Harrison with regard to the seal fishing in Behring's Sea appears to raise an important question as to the meaning which is attached by the United States' Government to the words "all the dominion of the United States in the water of Behring's Sea," which is the term used in the Act upon which the Proclamation is founded.

Bearing in mind the interpretation which the United States' Government has hitherto placed upon the dominion of the United States in Behring's Sea, it seems to his Lordship worthy of consideration whether some intimation, such as that suggested in the letter from this Department of the 26th March, should not be conveyed to the United States.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

No. 189.

Colonial Office to Foreign Office.—(Received April 11.)

Sir, *Downing Street, April 10, 1889.*

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 4th instant, transmitting, for his Lordship's information, a copy of a despatch from Her Majesty's Chargé d'Affaires at Washington, on the question of the sale of three British vessels seized by the United States' authorities in 1887, when engaged in seal fishing in the Behring's Sea.

2. In reply, his Lordship desires me to state, for the information of the Secretary of State for Foreign Affairs, that he has no observations to offer on the despatch referred to.

3. Lord Knutsford would be glad to learn what is the present position of the appeal in the case of the steam-ship "W. P. Sayward."

I am, &c.

(Signed) JOHN BRAMSTON.

No. 190.

Foreign Office to Colonial Office.

Sir, *Foreign Office, April 11, 1889.*

I TRANSMIT herewith copies of despatches from Her Majesty's Chargé d'Affaires at Washington, as marked in the margin,† relative to the Act of the United States' Congress of the 2nd March, 1889, providing for the protection of the salmon fisheries of Alaska, and the Proclamation which has been issued by the President of the United States in pursuance of its provisions.

The Act declares that section 1956 of the Revised Statutes of the United States "includes and applies to all the dominion of the United States in the waters of Behring's Sea," and directs the President, "at a timely season in each year to issue his Proclamation, warning all persons against entering the said waters for the purpose of violating the provisions of the said section," &c.

That section (1956) enacts that "no person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal within the limits of Alaska territory, or

* Nos. 179 and 183.

† Nos. 179, 186, and 187.

in the waters thereof;" and the President, after reciting the section in question and the section of the Salmon Act in which it is referred to, proceeds by his Proclamation to "warn all persons against entering the waters of Behring's Sea within the domain of the United States for the purpose of violating the provisions of the said section 1956, Revised Statutes," &c.

I am directed by Marquis of Salisbury to request that, in laying the inclosed papers before Lord Knutsford, you will point out to his Lordship that the Act and Proclamation, taken strictly, do no more than assert the rights of the United States in their territorial waters. In fact, the discussions in the Senate and the House of Representatives, recorded in Inclosure 4 to Mr. Edwardes' despatch of the 25th ultimo, show that the majority in the Senate desired to avoid committing themselves by any words in the Act to an interpretation of the Treaty rights of the United States in Behring's Sea, and that the House of Representatives acquiesced in that intention.

I am, &c.

(Signed) P. CURRIE.

No. 191.

The Marquis of Salisbury to Sir J. Parncefote.

Sir, *Foreign Office, April 13, 1889.*

WITH reference to Mr. Edwardes' despatch of the 15th ultimo, I have to request that you will report to me, for the information of the Secretary of State for the Colonies, what is the present position of the appeal in the case of the steam-ship "W. P. Sayward," last reported on in Sir L. West's despatch of the 15th September, 1888.

I am, &c.

(Signed) SALISBURY.

No. 192.

Mr. Edwardes to the Marquis of Salisbury.—(Received April 16.)

My Lord, *Washington, April 2, 1889.*

ALTHOUGH the Bill introduced by Mr. Dunn into the House of Representatives to amend section 1963 of the Revised Statutes, and to provide for the better protection of the fur seals and salmon fisheries of Alaska, and for other purposes, did not become law, I think it right to submit a Report as to the proceedings in the House which took place in regard to it, on account of its connection with the Act passed on the 2nd March for the protection of the salmon fisheries of Alaska.

The first section of Mr. Dunn's Bill related to the leasing to any person or Company, by the Secretary of the Treasury, of the right to take fur-seals on certain islands.

The second section extended to all the waters of Behring's Sea. The prohibition contained in section 1956 of the Revised Statutes to kill fur-bearing animals (except to those authorized), and calls on the President to issue a Proclamation every year warning all persons against entering the waters of the Behring's Sea for that purpose; and to cause vessels of the United States to police those waters, to arrest all found in such illegal hunting, and to seize their vessels, &c.

The other sections referred to the protection of salmon in Alaska waters.

The Bill was referred to the Committee on Merchant Marine and Fisheries, and reported back by Mr. Dunn. The Report, copy of which is herewith inclosed, is most interesting, and gives the result of investigation into the subject of the fur-seal fisheries of Alaska, and of the leases granted by the Government to persons or Companies for the rights of taking fur-bearing animals in those parts, &c.

Mr. Dunn opened the discussion on the Bill by reviewing the rights of the United States in the waters of Alaska, which were acquired by the Treaty with Russia in 1867. Every right, every privilege, every immunity which, he said, Russia had had in the territory of Alaska, the United States now have. Chief among the interests acquired by the United States by their purchase from Russia was the seal rookery of the Pribyloff Islands.

He then went on to give an account of the lease held by the Alaska Commercial

Company of the amount of seals allowed to be killed under its provisions, and of the amount of revenues obtained by the United States from this territorial acquisition.

It was most important, he said, that the seas should be patrolled by United States' vessels, and that unlawful hunters should know that if found they will be arrested and their vessels seized.

Several vessels had thus been seized last season, the legality of the seizure being contested on the grounds that the United States' Government had no jurisdiction over that sea. The Courts had sustained the right of jurisdiction of the Government over the sea, and their right to protect the fisheries. If there had been any leniency in releasing the seized vessels on the part of the Executive, it was pending some negotiations about the Eastern Fisheries question.

However, in no case have the rights of the United States been waived. The State Department has taken no decision conceding that the Behring's Sea is an open sea. The Committee have been satisfied that the policing of the sea must be more rigid, and that no indulgence must be shown to violators of the law. The existence of the inhabitants of the Aleutian Islands and of other parts in the United States' possessions in those latitudes depends on the continuation of the legitimate killing of seals. They get all their means of existence from those employed in it. The Committee have therefore considered it advisable that the President should issue a Proclamation yearly, warning all persons from entering Behring's Sea with the intention of violating the existing laws; and, moreover, he should be called upon to see to the closer patrolling of that sea.

If this be not done the seal rookeries will be open to every one, and the herds of seals will not last three years. No Government would wish for this result. On the contrary, it is understood that other Governments are more than willing that the seals should be protected. The United States' Government have but to be firm, positive, and unmistakable in their policy.

Mr. Dingley also spoke strongly in favour of the Bill, the most noteworthy portion of his speech being that in which he refers to the claim of Russia, before the cession by her of Alaska to the United States, to exclusive jurisdiction in the Behring's Sea, to the controversy that took place between Russia and the United States when the former attempted to extend that jurisdiction, and to the Treaties between Russia and the United States and between Russia and Great Britain, whereby the rights of Russia were recognized to control the Behring's Sea north of 55°.

Several amendments were offered to the Bill, which was ultimately recommitted, the last stage it reached before Congress expired.

As I had the honour to report to your Lordship, in my despatch of the 23rd ultimo, the House seeing that Mr. Dunn's Bill could not possibly pass before the closing of Congress, added an amendment to the Senate Bill (which was ultimately accepted, and the Bill was passed) in the shape of an addition of a section 3 of the same import as section 2 in Mr. Dunn's Bill, and it has been in response to this amendment of the House that the President has issued his Proclamation of the 22nd March.

I have, &c.

(Signed) H. E. EDWARDES.

No. 193.

Foreign Office to Colonial Office.

Sir;

Foreign Office, April 18, 1889.

I HAVE laid before the Marquis of Salisbury your letter of the 10th instant, in which you call attention to the Proclamation issued by President Harrison on the 22nd ultimo for the protection of the fur seals in Behring's Sea, and to the Act recently passed by the United States' Congress on which that Proclamation is based.

In view of the previous action of the United States' authorities on the spot, and of the meaning which may be attached by the Government of the United States to the words "all the dominion of the United States in the waters of Behring's Sea," employed in section 3 of the Act, Lord Knutsford suggests that an intimation should be made to that Government, that Her Majesty's Government cannot require the masters of British vessels, when fishing in Behring's Sea beyond the 3-mile limit, to recognize the law of the United States.

In reply, I am to request that you will state to his Lordship that Sir J. Pauncefote,

who has been appointed to succeed Lord Sackville as Her Majesty's Representative at Washington, left London for his post on the 13th instant.

It would, in Lord Salisbury's opinion, be advisable to wait until he has had time to examine into the question on the spot, and to report upon the situation, before making any communication to the United States' Government on the subject.

I am, &c.

(Signed) T. H. SANDERSON.

No. 194.

Foreign Office to Colonial Office.

(Extract.)

Foreign Office, April 18, 1889.

IT will be seen, on reference to the correspondence respecting the seizure of Canadian schooners by United States' Revenue cutters in Behring's Sea, that Mr. Bayard, in a letter addressed to Her Majesty's Minister at Washington on the 12th April, 1887,* a copy of which accompanied the letter from this Department of the 5th May of that year, stated that "the laws of the United States regulating the killing of fur seals have been in force for upwards of seventeen years, and, prior to the seizure of last summer, but a single infraction is known to have occurred, and that was promptly punished."

On the other hand, Lord Lansdowne, in his despatch of the 27th November, 1886,† of which a copy was forwarded in your letter of the 4th January, 1887, states: "This is, as far as I have been able to ascertain, the first occasion upon which claims of the kind now advanced have been enforced. Sealing-vessels from British Columbia have for some years past frequented the waters of Behring's Sea without molestation."

Lord Salisbury observes, however, that, in the Minute by the Department of Marine and Fisheries, inclosed in Lord Stanley's despatch of the 3rd August, 1888 (of which a copy was forwarded in your letter of the 18th of that month), it is stated that, by the proposed arrangement for a close time, "Canada would lose the enjoyment of a lucrative right long possessed, and this loss would be fatal to the prosecution of the seal industry."

In Lord Salisbury's opinion it would be interesting, with a view to possible further negotiations, to know for how long, and to what extent, Canadian vessels have been in the habit of killing seals in the waters of Behring's Sea before 1886.

I am to request that, in laying this letter before Secretary Lord Knutsford, you will move him to endeavour to obtain such statistical information bearing on these points as can be furnished by the Canadian Government.

No. 195.

Colonial Office to Foreign Office.—(Received April 20.)

Sir,

Downing Street, April 20, 1889.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 11th instant, transmitting copies of despatches from Her Majesty's Chargé d'Affaires at Washington relative to the Act of the United States' Congress of the 2nd March, 1889, providing for the protection of the salmon fisheries of Alaska, and the Proclamation which has been issued by the President of the United States in pursuance of its provisions.

In reply, I am to acquaint you, for the information of the Marquis of Salisbury, that Lord Knutsford, while accepting the construction put upon the Act and Proclamation in your letter, would have been glad if an opportunity could have been found of placing that construction officially on record.

I am, &c.

(Signed) R. H. MEADE.

* See Inclosure 2 in No. 37.

† See Inclosure 1 in No. 22.

No. 196.

*Colonial Office to Foreign Office.—(Received April 30.)*Sir, *Downing Street, April 29, 1889.*

I AM directed by the Secretary of State for the Colonies to transmit to you, with reference to your letter of the 18th instant, a copy of a despatch which he has addressed to the Governor-General of Canada inquiring as to the extent to which British Columbian vessels were engaged in seal hunting in Behring's Sea prior to 1886.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 196.

*Lord Knutsford to Lord Stanley of Preston.*My Lord, *Downing Street, April 27, 1889.*

I HAVE the honour to transmit to you, for communication to your Ministers, a copy of a letter from the Foreign Office requesting to be supplied with information as to the extent to which vessels belonging to British Columbia were engaged in seal hunting in Behring's Sea prior to 1886.

I should be obliged if your Ministers could supply the information desired by the Marquis of Salisbury at an early date.

I have, &c.
(Signed) KNUTSFORD.

No. 197.

*Sir J. Pouncefote to the Marquis of Salisbury.—(Received May 13.)*My Lord, *Washington, April 26, 1889.*

IN reply to your Lordship's despatch of the 13th instant, I have the honour to inform you that I learn on inquiry that the record of the appeal of the schooner "W. P. Sayward" was filed on the 30th October, 1888, but has not yet been printed. If it is not printed when the case is called the appeal will be dismissed.

But it appears the case will not be reached for call for some three years, the business of the Supreme Court of the United States being, as I am told, nearly or quite four years in arrear.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 198.

*Colonial Office to Foreign Office.—(Received May 15.)*Sir, *Downing Street, May 14, 1889.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, a copy of the Annual Report of the Canadian Department of Fisheries for the year 1888.

I am to call attention to the remarks at p. 241 as to the seal-hunting in Behring's Sea.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 198.

RETURN showing the Number of Vessels, Boats, and Men engaged in the Marine Fur Fishery of British Columbia, with the Products and Value, for the Season of 1888.

Names of Vessels.	Names of Owners.	Tonnage.	Number of Boats.	Number of Men.	Number of Seals in British Columbia.	Number of Seals in Behring's Sea.	Total Number of Seals.	Total Value of Seals.
								Dollars.
Penelope ..	J. J. Gray ..	69	5	20	805	960	1,705	17,050
Mary Ellen ..	A. McLean ..	69	14	30	1,410	1,987	3,347	33,470
Juanita ..	Hall and Gospel ..	40	13	28	177	1,017	1,194	11,940
Mountain Chief ..	B. Jacobson ..	26	6	10	400	825	1,225	12,250
San José ..	J. S. Lee ..	52	4	16	107	..	107	1,070
Sapphire ..	E. B. Moroni ..	124	9	22	1,200	..	1,200	12,000
Viva ..	Carne and Munsie ..	92	5	21	806	2,069	2,875	28,750
Black Diamond ..	Gutman and Frank ..	81	9	19	231	863	1,096	10,960
Mary Taylor ..	J. D. Warran ..	42	13	24	392	..	392	3,920
Heleyon ..	American ..	61	6	24	17	..	17	170
Triumph ..	D. McLean ..	97	12	9	..	2,470	2,470	24,700
O. S. Fowler ..	Wm. Bendt ..	34	2	12	230	..	230	2,300
Annie C. Moore ..	Chas. Hackett ..	112	7	22	..	715	715	7,150
Lily ..	Gutman and Frank ..	68	22	20	93	..	93	930
Pathfinder ..	Carne and Munsie ..	66	9	21	600	650	1,250	12,500
Adèle ..	F. Rutz ..	50	8	19	392	822	1,214	12,140
Rosey Olsen ..	Wm. Olsen ..	33	3	13	100	500	600	6,000
Annie ..	Jas. Laffin ..	25	3	11	156	1,039	1,195	11,950
Maggie Mc ..	John Dodd ..	71	5	20	125	1,299	1,424	14,240
Favourite ..	Chas. Spring ..	79	12	27	300	1,834	2,134	21,340
	Total ..	..	..	..	..	..	..	244,830
Estimate of skins purchased from Indians ..	..	..	..	..	3,500	..	3,500	35,000
„ sea otter-skins purchased from Indians ..	..	..	..	..	100	..	100	7,500
„ hair seals purchased from Indians ..	..	..	..	..	3,500	..	3,500	2,625
Schooner "O. S. Fowler," walrus-skins ..	..	..	..	..	..	21	21	378
„ 250 ivory, at 40 c. ..	..	..	..	..	..	..	..	100
Grand total marine furs and products ..	..	..	..	..	..	..	..	280,433

The decrease in the fur seal catch in Behring's Sea is still more noticeable; it was caused principally by the unsettled state of affairs with the American Government, several of the schooners being afraid to enter these waters at the risk of seizures.

A great deal has been written on the life and habits of the fur seal. It is contended by some that all the fur seal in the North Pacific have their rookeries on St. Paul and St. George Islands in Behring's Sea. Others claim that many of the fur seals of the Pacific never enter Behring's Sea, but pup on large kelp fields in the ocean, and may perhaps have regular hauling grounds outside of Behring's Sea. Extracts from a Circular of C. M. Lamsen and Co., of London, England, will give the reader some idea of where the fur seals are caught. From October 1886 to January 1888 the following number of skins were sold:—

	Seal-skins.
North-West Pacific Coast ..	43,687
Lobus Island ..	30,468
Alaska ..	204,033
Copper Island ..	100,880
Japan ..	9,856
Cape Horn ..	6,926
South Sea ..	200
	396,045

It has been estimated that 16,000,000 seals haul out annually on St. Paul, and 3,000,000 on St. George Islands. The Commercial Alaska Company controls these and other islands by lease from the American and Russian Governments. I am of opinion that many fur seal pup on kelp fields along the British Columbia coast. I have had reliable information from practical hunters and fishermen who bear me out on this point. Morris Moss, of Victoria, states that during the year 1870 he was engaged trading on the coast near Bella Bella during the months of March and April, when he saw hundreds of fur seal pups from 3 to 5 months old, which had become separated from their mothers, and on account of a heavy storm were blown on shore and caught by the natives. Captain Alexander McLean, of Victoria, states that he killed a number of fur seal pups off Cape Cook, which had likewise been blown ashore during a storm. James G. Swan's Report for 1880 and 1883 goes to show that the Indians of Cape Flattery

capture fur seal pups each season, and keep them as pets around the camps. It is impossible that these pups may have come from Behring's Sea at that age, as Mr. Elliott states they do not leave the islands before the month of November, and those that Mr. Swan speaks of are caught early in the spring. The majority of our hunters contend that there are over 7 per cent. of pups in the entire catch of fur seals on the coast; while in Behring's Sea the catch does not exceed 1 per cent. But they cannot deny the fact that over 60 per cent. of the entire catch of Behring's Sea is made up of female seals.

No. 199.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received June 3.)

My Lord,

Washington, May 24, 1889.

I HAVE the honour to inform your Lordship that the steamer "Rush," of the United States' Revenue Service, has been ordered to Behring's Sea in order to protect the fur-bearing animals in the territory of Alaska or in the waters thereof, in accordance with section 1956 of the Revised Statutes.

The Revenue steamer "Bear," now fitting at San Francisco, will shortly follow the "Rush," in order to assist her in this work.

I have, &c.

(Signed) J. PAUNCEFOTE.

Inclosure in No. 199.

Extract from the "Washington Post" of May 24, 1889.

THE ALASKAN SEAL FISHERIES.—Secretary Windom yesterday signed the sailing orders of the Revenue-steamer "Rush," directing that she sail immediately upon receipt of her instructions to Ounalaska, and then to cruize diligently in Behring's Sea for the purpose of "warning all persons against entering such waters for the purpose of violating section 1956 of the Revised Statutes, and arresting all persons, and seizing all vessels, found to be, or to have been, engaged in any violation of the laws of the United States therein."

Section 1956, Revised Statutes, referred to above, provides that "no person shall kill any otter, mink, marten, sable, or fur-seal, or other fur-bearing animal within the limits of Alaska territory, or in the waters thereof; and every person guilty thereof shall, for each offence, be fined not less than 200 dollars nor more than 1,000 dollars, or imprisoned not more than six months, or both, and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur-seal, under such regulations as he may prescribe, and it shall be the duty of the Secretary to prevent the killing of any fur-seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law, nor shall he grant any special privileges under this section."

The Commanding Officer of the "Rush" is also furnished with copies of the Act of the 2nd March, 1889, and the President's Proclamation of the 21st March, 1889, regarding the protection of the seal and salmon fisheries of Alaska, and instructed to enforce their provisions. The "Rush" is now at San Francisco ready for sea, and will sail immediately upon receipt of the orders, which were mailed at Washington yesterday afternoon. The Revenue-steamer "Bear," which is now fitting out at San Francisco for an expedition to Point Barrow, Alaska, has also been designated to assist in the protection of the Alaskan fisheries, and will follow the "Rush" in a short time. Her orders are now being prepared at the Treasury Department.

Consul-General Booker to the Marquis of Salisbury.—(Received July 8.)

My Lord, New York, June 28, 1889.

I HAVE the honour to inclose extracts, for your Lordship's perusal, from the New York "Evening Post" of yesterday, containing an interesting letter on the Behring's Sea question.

I have, &c.
(Signed) WM. LANE BOOKER.

Inclosure in No. 200.

Extract from the New York "Evening Post" of June 27, 1889.

THE BEHRING'S SEA QUESTION.

To the Editor of the "Evening Post."

Sir, Salem, Massachusetts, June 21, 1889.

SINCE the rejection of the Treaty of February 1888 with Great Britain, the public has heard very little of fishery troubles on the old debatable ground of the north-west Atlantic, but there is every prospect that the absence—obviously a merely temporary absence—from public discussion of the well-gnawed bone of contention will, in a measure, be made good by taking up as a topic the analogous question pending between the United States and Great Britain concerning the seal fisheries in the north Pacific, or, as our statesmen and writers prefer, for a very shrewd reason, to say, in "Behring's Sea."

Several British vessels were seized in 1886 and 1887 by United States' Revenue-cruisers for sealing in Behring's Sea (a part of the Pacific Ocean, as I shall show presently), far outside of the 3-mile shore belt, and these vessels were condemned by the United States' District Court at Sitka. So far as I am aware, there is no official publication showing the position taken by our Government in this matter, so that we must fall back on statements in the press.

The "New York Herald" of the 13th October, 1887, published what purported to be a *verbatim* copy of the "brief understood to have been prepared at Washington and recently filed in the Court at Sitka by Mr. A. K. Delaney as counsel for the United States' Government." The defendant's name is not given there, but obviously it is the brief against one of the British vessels seized in 1887, and probably substantially the same brief was used against all of them. In a leader in the same issue the "Herald" refers to this brief as that against certain British vessels charged with violating our rights. There is no reason to doubt the genuineness of this paper, and in the absence of other evidence, we may take it as a trustworthy guide to the position taken by our Government. It is there stated that the case is based on section 1956 of the Revised Statutes of the United States, providing that "no person shall kill any otter, &c., or other fur-bearing animal, within the limits of Alaska Territory or in the waters thereof;" that the offence is charged to have been committed "130 miles north of the Island of Ounalaska, and, therefore, in the main waters of that part of the Behring's Sea ceded by Russia to the United States."

It is further stated that the defendants demur on the ground that the Court has no jurisdiction, as the alleged offence was committed beyond the limit of a marine league from the shores of Alaska, and that the Act under which the defendants were arrested is unconstitutional in so far as it restricts the free navigation of the Behring's Sea for fishing and sealing purposes beyond the limits of a marine league from shore; that the demurrer presents squarely the questions:—

1. The jurisdiction of the United States over Behring's Sea.
2. The power of Congress to legislate concerning those waters.

Then follows the argument, opening as follows:—

"The fate of the second of these propositions depends largely upon that of the first, for if the jurisdiction and dominion of the United States as to these waters be not sustained, the restrictive acts of Congress must fall"

This argument offers great temptation to submit it to criticism in detail, but I shall confine myself to the main issue.

It states that international law recognizes seas and waters of a certain kind as "landlocked or inland," and accords dominion and jurisdiction over them to individual nations. Quotations from the text-books are then given to define the physical conditions required by international law to constitute such landlocked or inland sea. These conditions may be summed up in Vattel's axiom: "It must be entirely surrounded by the territory of the nation claiming jurisdiction, and must have no other communication with the ocean than by a channel of which that nation may take possession."

All perfectly true. The trouble is merely in the "application on 't" to the case in point. The boundaries of Behring's Sea are correctly given. Among them are enumerated the Peninsula of Kamtchatka and Eastern Siberia, and then it is said, "It will not be denied that at the time the United States acquired the territory of Alaska the waters of the Behring's Sea washed only the shores of Russian territory!"

Precisely. But, as Russia ceded to us *only a part* of such shores, and as she retained as her own a great part of them, we are not in possession of *all the shores*, and, consequently, we cannot claim "dominion and jurisdiction" over Behring's Sea under the above doctrine.

Now as to the other condition shown to be the second requisite of a closed or landlocked sea—absence of communication with the ocean, except by a channel of which we, as claimants of dominion, might take possession. That is a purely geographical question, to be settled by reference to authentic Maps or Charts. The reliability of the Charts issued by our Hydrographic Office at Washington will not be questioned, so let us consult its Chart No. 68, edition of May 1888, entitled "Behring's Sea and Arctic Ocean." Let us, for brevity's sake, assume, what is, however, not true in fact, that the chain of islands generally called the Aleutian, as far as they go, answers all the requirements of international law as an inclosing barrier. We then need only examine the sea to the westward of the most western of said islands, the one called Atton. The said Chart shows only two islands between Atton and the coast of Kamtchatka, and these intervening islands are Russian territory. The respective positions are laid down in said Chart as follows:—

Atton (most western United States' territory), west extremity of	52 57 N.	172 30 E.
Copper Island (nearest land eastward), south-east extremity of	54 35 N.	168 05 E.
Copper Island (north-west), extremity of	54 55 N.	167 24 E.
Behring's Island, nearest land eastward to Copper Island	54 55 N.	166 37 E.
Point nearest to Copper Island, Cape Chitron ..	55 16 N.	165 40 E.
Point nearest to Kamtchatka coast, Sea Lion's Head ..	56 06 N.	163 20 E.
Kamtchatka, point nearest to Behring's Island, ..		

The usual method of nautical calculation shows the shortest distances between the above points to be as follows, to wit, between:—

Atton and Copper Island	183	} Nautical miles and a fraction over in every case.
Copper Island and Behring's Island	27	
Behring's Island and Kamtchatka	23	

The narrowest of these channels would admit of the passage of a fleet of over 100 vessels sailing abreast in a single line, even if deployed with a quarter of a mile between each two vessels!

Are these channels such as a nation can be supposed to be able to take possession of?"

In all other parts of the world our people have always been the strenuous champion of the freedom of the seas, and have even claimed (see Senate, Rep., No. 1683, 49 Cong. 2 sess., p. 5) that straits as narrow as the Gut of Canso (1 to 1½ miles wide) leading to seas accessible by other channels of sufficient width, were free to our use. On this principle every one of the many channels between the Aleutian Islands, and connecting the sea south of them with that north of them, is free to all the world. The best of all of them, the Amoughta Pass, is about 41 miles wide! Imagine the ridicule, the vials of wrath that our publicists and diplomatists would pour out on any luckless wight who, stealing our thunder, should undertake to prove that the Gulf of St. Lawrence, for instance, was by international law a British closed sea, landlocked and inland. And yet logically his position would be infinitely stronger than ours is, for that gulf, insignificant in extent compared with Behring's Sea, is actually inclosed by British territory, and has only three channels of communication with the Atlantic!

There is a story of a naval captain who, on being overhauled by his superiors for not returning a salute fired in honour of his flag, replied that he had a whole number of good reasons for the omission, to wit: firstly, having no powder, and who was thereupon immediately cut short by the remark, "That will do!" You may say the Attorney of the United States himself has rested his case on the ground that Behring's Sea is a landlocked and inland sea. The contrary has now been demonstrated; consequently the matter is settled, and nobody cares to hear any more on so tedious a subject.

But there are always plenty of good people in the world to whom that would not be conclusive by any means, and who can only be convinced by having every one of the other allegations, however hopelessly involved in the preceding, or however absurd or irrelevant in themselves, disproved separately and distinctly. These allegations are, partly in express terms, partly by implication, that (1) Behring's Sea and the Pacific Ocean are separate and different seas; (2) that Behring Sea is not a part of the Pacific, and Behring's Sea was the only interior sea of the North American coast, and was held by Russia; (3) that Russia by the Treaties of 1824 and 1825 (with the United States and Great Britain respectively) abandoned her prior claim to jurisdiction over the Pacific, but did not surrender jurisdiction over Behring's Sea, and that consequently such jurisdiction descended to the United States through the cession to us of all Russia's rights by the Treaty of 1867.

In support of these assertions, the "argument" asks triumphantly if there was a challenge of Russia's jurisdiction over Behring's Sea, why was it not settled in the Treaties? Why was a ten years' limit of mutually free navigation in the interior seas, gulfs, harbours, and creeks of each other on the North American coast accepted by the United States and by Great Britain, if Behring's Sea—declared by the argument to be the only interior sea—was part of the Pacific or belonged to the high seas, and, therefore, free to all? Why was the term inland sea used?

The answer to it all is the same as that to so many other conundrums—"The boy lied."

Behring's Sea was and is a part of the Pacific.

The term Behring's Sea was unknown at the time the Treaties of 1824 and 1825 were made, and, therefore, was not, and could not be, used in them. When a distinctive name was employed for that sea, they called it in those days "The Sea of Kamtchatka"—the argument itself admits this by saying "formerly known as the Sea of Kamtchatka." The term Behring's Sea is absent not only from these Treaties, but from all the prior diplomatic correspondence and from all contemporaneous writings. I could fill a page with the mere titles of the encyclopædias, gazetteers, and geographical reference books, &c., published up to 1825, and for many years after, in which I have looked, and looked in vain, for Behring's Sea. The name Behring, in a variety of spellings, occurs in all, as that of a navigator, of a bay on our coast (but far to the east of Behring's Sea), of an island, of a strait, but never, until long after 1825, as that of the sea, now so called. The present application of that name is of much more recent origin, and its general adoption has been gradual and slow; but that this separate name should or could divest this sea of its old quality of forming part of the Pacific Ocean is an idea unknown to the scientific world. Look into any old or modern reference book, under "Behring's Sea" and "Pacific Ocean," and you will always find the first defined as a part of the Pacific Ocean, and this as beginning at Behring's Strait, thus including the first. I found but one exception to this, viz., the second edition of "Appleton's Encyclopædia" (1873), which says that the Pacific is bounded on the north by the Aleutian Islands (Behring's Sea not being properly oceanic in its character), and this is in contradiction to the definition of Behring's Sea, in the same edition, that being said to be part of the Pacific. However, the earliest edition of the same work (1858) makes the Pacific extend from Behring's Strait to the Antarctic circle, and it again proves my assertion. Our own early official Charts, viz., Pilot Charts of Lieutenant M. F. Maury, United States' Navy (United States' Hydrographic Office, 1850), sheets Nos. 2 and 3, series "A," covering the present Behring's Sea, are entitled "North Pacific;" the name Behring's Sea does not occur in them; but on No. 2 the names of "Sea of Ochotsk" and "Sea of Sachalien" are given to those divisions of the Pacific. In the official documents and in the Congressional debates about giving aid to Perry McD. Collins (February 1862, *et seq.*) for his telegraph between Asia and America via Behring's Straits, enacted the 1st July, 1864, Pacific Ocean is the term generally, if not exclusively, used when reference is made to the sea now known as Behring's. But to make assurance doubly sure, I applied for an opinion on the question to the most eminent living authority in matters geographical, Professor Dr. H. Supan, editor of "Petermann's Mittheilungen," who likewise says that *all* geographers consider Behring's Sea a part of the Pacific. I can submit the correspondence if desired.

A look at a Map or Chart of the region in question (which please to recollect embraces not only the American shore north of the Peninsula of Alaska, but that to the eastward and southward of it, whether Russian, British, or of the United States) will show that so far from Behring's Sea being the only inland sea there, this region is particularly full of peninsulas and whole archipelagoes of islands, and is consequently also full of interior seas, gulfs, harbours, and creeks, and it is for that very reason that they were made the subject of express stipulations in the said Treaties.

No less untrue than the preceding assertion of the argument about the "only inland sea" is the other, that the Treaties of 1824 and 1825 were a sort of give-and-take arrangement as regards marine dominion; that Russia abandoned a part of it only, and had the balance conceded to her. Secretary Adams, in his instructions to our Minister at St. Petersburg of the 22nd July, 1823 (see American State Papers, "Foreign Relations," second series, folio edition, vol. v, p. 436), after setting forth Russia's claims as including the right to interdict the navigation and the fishery of all other nations to the extent of 100 miles from the coasts of Asia, from 45° north (round) to 51° north of the American Continent, says emphatically:—

"The United States can admit no part of these claims. Their right of navigation and of fishery is perfect, and has been in constant exercise from the earliest times, after the peace of 1783, throughout the whole extent of the South Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions which, so far as Russia's rights are concerned, are confined to certain islands north of the 55th degree of latitude, and have no existence on the coast of America."

And when you remember that in those days there was no such division of the Pacific between Pacific and Behring's Sea as we, or those who do the talking for us, now claim, it is perfectly clear that we and Great Britain, in the respective Treaties of 1824 and 1825, carried our point for free navigation and fishery to its fullest extent by having it acknowledged therein as extending to "any part of the great ocean commonly called the Pacific Ocean or South Sea." And further to show that this was also Russia's view of the meaning of the said Treaties, let me refer to a passage in Bancroft's "History of the Pacific State," vol. xxviii, p. 583. In 1842 the Russian American Company urged the Russian Government to send armed cruizers for the preservation of Behring's Sea as a *mare clausum*, on account of the great extent of American whale-fishing there; but the Russian Ministry replied that the Russo-American Treaty gave to Americans the right to engage in fishing over the whole extent of the Pacific Ocean.

It is hardly necessary to say anything more. To assert in the face of all this that our part of Behring's Sea is a closed sea, is nothing else than a parody on the old headland-line doctrine, a line, in this case some 900 miles long, from Cape Prince of Wales to Atton, and inclosing a "bay" stretching, at its greatest extent, over about 30 degrees of longitude. This may recommend itself to lovers of a "big thing," but legally and logically it is no less absurd than Russia's still longer headland-line of 1821, which Secretary Adams wiped out.

Perhaps it may be pleaded on behalf of the Judge at Sitka, the Hon. Leff. Dawson, that he is only a District Judge, and that he was misled by the Washington brief; but what can be said for our superior officials, the Secretaries of State and of the Treasury? Were and are they too misinformed on the geography, the history, and even the law governing these cases?

From time to time we have been told by the newspapers that the British vessels seized have been released, and then again that it has not been done. It seems to be all a muddle.

The newspapers also say we must, in self defence, prevent any one but the Alaska Commercial Company from sealing in Behring's Sea, because that Company pays our Government a handsome interest on the cost to us of Alaska; that the seals there are all ours because bred on territory of ours, and that free sealing would soon exterminate these animals. Imagine such sophisms and such untruth submitted to the Supreme Court.

The fur-seal are not *all*, or even *nearly all*, bred on our territory. Mr. H. W. Collins, in his Report on the seal islands of Alaska, published officially as part of the United States' Census of 1880, vol. xiii, No. 42, Part VIII, says, on p. 6, that they also breed on Copper and Behring's Islands, both Russian, and both leased by our Alaska Commercial Company; and on p. 113, that 48,504 of these animals were taken on these Russian islands. But if the seals were all American-born it would make no difference in law, as creatures roaming about the high seas are no man's property, except his who catches them. That "free sealing" might entail extermination of these creatures in the North Pacific, as it has already done elsewhere, is probable, but this gives us no right to make preventive laws, even of the mildest kind, for others than American citizens and for

localities other than our own territory. Even the Washington brief admits this. International agreement, and not the *ipse dixit* of any single nation, is the proper remedy, if there be one. That free sealing might, and probably would, injure financially an American corporation, eventually, perhaps, even our Government, may be deplorable, but will not be accepted as our justification for interference with the rights of other nations, involving the infliction of injustice on individual foreigners.

The whole course of our Government, its action as well as its inaction, in this matter is open to severe criticism. It looks as if, in this matter, we repudiated all our traditional and sterling maxims of international obligations, as if we had substituted for our old trusty and trusted moral compass a new one, and that one subject to the most astounding variations, according to locality—variations eclipsing in scope any similar performance of the mariner's compass. Within certain moderate limits, there may be as good local reason for the variations of the moral compass as for those of the mariner's instrument; but an absolute turning end for end, an inversion of north and south, of right and wrong, the claim that a general principle of law has one effect here and the opposite effect elsewhere, will not be accepted, in either navigation or law, by either experts or merely common-sense people. When the captain finds that the card of his compass calls that north which the sun in the heavens proves to be the south, you cannot fool the captain into believing that compass. He will tell you that, though the needle is as right as ever, somebody has been "monkeying" with the card. He will at once correct the falsification. The sooner Uncle Sam goes and does likewise in this Pacific contention the better for all concerned, and particularly for the international reputation of our country as an upright, a fair-dealing, a just people.

(Signed) ROBERT RAYNER.

No. 201.

Colonial Office to Foreign Office.—(Received July 27.)

Sir,

Downing Street, July 27, 1889.

WITH reference to previous correspondence, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, with its inclosures, urging the desirability of such steps being taken as will secure reparation for the damages sustained by sealers of the Dominion, in consequence of the seizure of Canadian sealing-vessels in Behring's Sea, and the withdrawal of the claim advanced by the Government of the United States to exclusive jurisdiction over the waters of that sea.

As Lord Salisbury is aware that a considerable delay has occurred in the presentation of these claims, Lord Knutsford would suggest that the claims should be presented to the United States' Government at an early date, unless there are strong reasons of policy against this course.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 201.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

New Richmond, P. Q., June 12, 1889.

WITH reference to previous correspondence on the subject of the seizures of Canadian sealing-vessels in Behring's Sea, I have the honour to forward to your Lordship a copy of an approved Minute of my Privy Council concurring in a Report submitted by the Minister of Marine and Fisheries, who deals fully with the whole question of these seizures, and strongly urges the desirability of such steps being taken by Her Majesty's Government as shall secure full reparation for the damages sustained by Canadian sealers, and the retraction of the claim advanced by the United States' Government to exclusive jurisdiction over the waters of Behring's Sea.

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 201.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 4th June, 1889.

ON a Report, dated the 27th May, 1889, from the Minister of Marine and Fisheries, submitting the following résumé and recommendation relating to the Canadian vessels seized in or ordered away from the Behring's Sea by United States' authorities.

So far back as the month of September 1886, the Canadian Government first called attention of the Imperial authorities to this action on the part of the United States, and in a Minute of Council approved by your Excellency on the 29th November, 1886, the desire was then expressed that immediate reparation should be demanded for such wanton and unjustifiable acts.

On the 29th November, 1887, a Minute of Council was approved by your Excellency, in which the revised claims of the owners of the schooners "Thornton" and "Carolena" are stated in detail, and directing that the claims should be forwarded to the Secretary of State for the Colonies for transmission to the United States' Government.

On the 20th December, 1887, a further Minute of Council was adopted having reference to the claim of the owner of the schooner "Onward" and recommending that a claim for damages be forwarded in a similar manner to the Government of the United States.

These vessels the Minister is informed are still laid up on the beach at Ounalaska, and are in an advanced stage of decay.

On the 30th December, 1887, a subsequent Minute was adopted by the Privy Council, having reference to the claim of the owner of the schooner "Favorite," which vessel was, on the 2nd August, 1886, while sealing in Behring, ordered away by the United States' Revenue-cutter "Corwin" under threat of seizure. A claim for damages was also transmitted in this case in like manner as in others.

A Report was adopted on the 30th December, 1887, having reference to the seizure of the schooner "W. P. Sayward," 9th July, 1887; "Grace," 17th July, 1887; "Anna Beck," 2nd July, 1887; "Dolphin," 12th July, 1887; "Alfred Adams," 6th August, 1887; and "Ada," 25th August, 1887, and embodied the claims connected therewith which were recommended to be forwarded through the Imperial Government for immediate settlement.

Further revised claims for personal damages, for illegal arrest and imprisonment were forwarded under an approved Minute of Council of the 12th January, 1888, to the Imperial Government in connection with the seizures in the year 1886, as follows:—

Schooner "Thornton."

						Dollars.
Hans Guttormsen, master	..	..	..	..	..	4,000
Henry Norman, mate	..	..	..	..	..	2,500

Schooner "Carolena."

James Ogilvie, master	..	..	..	..	..	2,500
James Black, mate	..	..	..	..	..	2,500

Schooner "Onward."

Daniel Munroe, master	..	..	..	..	..	4,000
John Margotich, mate	..	..	..	..	..	2,500

The personal claims of the masters and mates of the vessels seized in 1887 were recommended for transmission by a Minute of Council of the 12th January, 1888, as follows:—

Schooner "Dolphin."

						Dollars.
J. D. Warren, master	..	..	..	..	..	2,635
John Reilly, mate	..	..	..	..	..	1,000

Schooner "W. P. Sayward."

George R. Ferrey, master	..	..	..	..	..	2,000
A. D. Laing, mate	..	..	..	..	..	1,000

Schooner "Anna Beck."

Louis Olsen, master	..	..	..	..	..	2,000
Michael Keefe, mate	..	..	..	..	..	1,000

Schooner "Grace."

William Petit, master	..	..	..	..	..	2,000
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Schooner "Ada."

Charles A. Ludberg, mate	..	..	..	..	..	2,000
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One vessel was released on the 15th May, 1888, under a bond, viz., the schooner "W. P. Sayward;" the owners of the other vessels (except the "Ada" for which no owner could be found) considered that the appraisement was largely in excess of the value of the vessels.

The Marshal of the United States' Court was also of that opinion, and a reappraisement was sought from the American Government but refused.

The Minister has recently been advised that the schooners "Grace," "Anna Beck," "Dolphin," and "Ada" were sold by direction of the United States' Government on the 26th March last, the cargoes, supplies, and outfits of all the seized vessels having been previously disposed of.

The Minister further submits that in a despatch from the Colonial Office, under date the 29th March, 1888, stating that the Law Officers of the Crown were of the opinion that "in respect of the schooner 'Favorite,' warned to cease operations under threat of seizure, the simple question is whether the threat was intended to be put into force, and whether she *bonâ fide* ceased to fish in consequence. There can be little doubt that both questions would be answered in her favour, and in her case also, a claim should be pressed, though the measure of damages will be different from that in the case of the other vessels and would, in the absence of special circumstances, be the actual loss occasioned by reason of the interruption of the fishing."

The same despatch referring to the cases of the "W. P. Sayward," "Grace," "Anna Beck," "Alfred Adams," "Dolphin," and "Ada," seized in the Behring's Sea during the season of 1887, says, upon the facts laid before the Law Officers, these seizures were, in their opinion, unwarranted, and the claims for compensation can be pressed.

It may here be mentioned that in the case of the "Alfred Adams" the circumstances are somewhat exceptional. This vessel was seized, and ordered by the United States' authorities to report to the United States' Marshal at Sitka; instead of which the captain sailed for Victoria, thus escaping detention and loss further than that of being obliged to relinquish his sealing voyage.

The Minister desires to draw attention to the concise and forcible presentation of the Canadian case against the United States contained in the despatch from his Lordship the Marquis of Salisbury to Sir Lionel Sackville West, under date the 10th September, 1887, wherein Lord Salisbury deals with the claim set up by the late Administration of the United States to the authority of that country in the Behring's Sea, under the Treaty of Cession with Russia hereinafter mentioned, including those waters at a distance from land far in excess of the ordinary limit of maritime jurisdiction.

The Marquis of Salisbury, in that despatch, remarks: "Nearly four months have elapsed without any definite information being furnished by the United States' Government, as to the grounds of the seizures. My predecessor instructed you on the 8th January last, to express to Mr. Bayard the concern of Her Majesty's Government at the delay, and to urge the immediate attention of the United States' Government to the action of the American authorities in their treatment of these vessels and of their masters and crews." And again: "Her Majesty's Government have carefully considered the transcript record of the judicial proceedings in the United States' District Court, in the several cases of the schooners 'Carolena,' 'Onward,' and 'Thornton,' which were communicated to you in July, and were transmitted to me in your despatch No. 196 of the 12th of that month, and they cannot find in them any justification for the condemnation of those vessels;" and concluding his despatch his Lordship further stated: "Her Majesty's Government feel sure that in view of the considerations which I have set forth in this despatch, which you will communicate to Mr. Bayard, the Government of the United States will admit that the seizure and condemnation of these British vessels and the imprisonment of their masters and crews were not warranted by the circumstances, and that they will be ready to afford reasonable compensation to those who have suffered in consequence, and issue immediate instructions to their naval officers which will prevent a recurrence of these regrettable incidents."

Three years have now almost passed since the American Government were apprised of the remonstrance on the part of the British Government against the claim set up to exclusive jurisdiction in the Behring's Sea, with practically no result other than the virtual and continual exclusion of Canadian sealers from those open waters by the Government of the United States.

Constant inquiry has been made of the Canadian Government as to the present condition of the claims of British subjects in Canada for the damage and loss sustained by the unjustifiable action of the United States' authorities.

The Minister regrets that he has been able to give no other answer to these inquiries

than to say that the claims are still being pressed upon the attention of the United States' Government, but that no settlement has been arrived at.

The Minister of Marine and Fisheries is informed that the failure to obtain satisfaction has already resulted in the financial embarrassment and failure of Captain Warren, of Victoria, British Columbia, one of the owners most largely interested in the seized vessels: while the sealing industry, so far as Canada is concerned, which was heretofore prosecuted with considerable advantage to labour and capital, has become entirely paralyzed.

He further observes that while the argument advanced by the British Government touching the rights of British subjects in the open waters of Behring's Sea has not been met, recent expressions and actions on the part of officials and of the authorities in the United States touching the Behring's Sea, taken with the seizures of British vessels already referred to, afford a reasonable ground for the belief that the Revenue-cutters of the United States' Government in the waters in question will continue to treat these waters as closed. Great damage has therefore not only been sustained, but is now being suffered, by British subjects in consequence of their not daring to risk their persons and property in these waters in the absence, not only of a settlement of the claims already existing, but without any positive assurance from the British Government that, in the event of loss or damage again occurring to them in the open waters of the Behring's Sea at the hands of the United States' authorities, ample redress will be obtained therefor.

The Minister observes that the lease granted by the United States to the Alaska Commercial Company in August 1870 gave that Company the right to take seals on the Islands of St. George and St. Paul only.

It appears that it is claimed by the United States' authorities that the supply on these islands began to diminish in consequence of the number killed and taken in the open sea.*

In 1879 a Notice was published by the Treasury Department at Washington, calling attention to section 1956 of the Revised Statutes of the United States for the purpose apparently of prohibiting American citizens from interfering with the rights of the Alaska Commercial Company under its Contract with the United States.†

Notwithstanding the statement in the Report of the Committee of the House of Representatives‡ hereinafter referred to, "that American citizens respected the law and the published Notice of the Secretary of State of the Treasury, and made no attempt to take seas," the list of seizures appended to that Report§ shows that an American schooner was seized in 1886 and seven American schooners were seized in 1887 for the violation of the section of the Revised Statutes mentioned in the Notice.

The bold attempt of the United States to make Behring's Sea a *mare clausum* occurred in 1886 by the seizure of the British schooners "Thornton," "Carolena," and "Onward."

It will be remembered that in 1887 Mr. Bayard wrote to Sir L. S. Sackville West referring to the Alaskan waters and the Regulations and Orders to United States' vessels to protect them as follows:—

"The Laws of the United States in this behalf are contained in the Revised Statutes relating to Alaska in sections 1956 to 1971, and have been in force for upwards of seventeen years.

"The question of instructions to Government vessels in regard to preventing the indiscriminate killing of fur-seals is now being considered, and I will inform you at the earliest day possible what has been decided, so that British and other vessels visiting the waters in question can govern themselves accordingly."

The Minister is not aware that any information has been communicated by the Secretary of State Department of the United States' Government as promised, "so that British and other vessels visiting the waters in question could govern themselves accordingly," but the following Circular appears to have been issued in Washington in the year 1888:—

"Treasury Department, Office of the Secretary,

"Dear Sir,

"Washington, D. C., March 5, 1888.

Referring to the Department's letter to you of the 16th March, 1886, concerning the scope of the jurisdiction of the United States over the waters of the territory of Alaska, and the prevention of the killing of fur-seals and other fur-bearing animals within such, and as described by Chapter 3 of Title 23 of the Revised Statutes, you are again requested to give publicity to the matter, so that any parties who may be contemplating the fitting out

* Report No. 3883 H. R., 50 Congress, Session 2, Appendix (A).

† Appendix (B), April 21, 1879.

‡ Report No. 3883 H. R., 50 Congress, Session 2, p. 5, Appendix (A).

§ Appendix (C), Exhibit C. to above Report.

of expeditions to kill fur-seals in the said waters, may have due and timely notice of the requirements of the Statute in the premises, as construed by the Department.

(Signed)

"L. H. MAYNARD,

"Assistant Secretary

"Collector of Customs, San Francisco, California."

Attention is called to the last words of the foregoing Circular.

The "construing of the Department" may be ascertained by the seizures under consideration.

The Minister would further draw attention to the Report of the Governor of Alaska for the year 1888,* wherein he argues that the monopoly of the seal fishery in Behring's Sea will be lost if the Government of the United States does not assert exclusive jurisdiction beyond the 3-mile limit.

In this Report, after expressing his fear that the British sealing-vessels will again visit the open waters of Behring's Sea, and capture seals, the Governor calls for an announcement of the "policy and determination of the Government in the matter of their protection."

Subsequently, and during the 50th Session of the House of Representatives, the Committee on Marine and Fisheries was directed "to fully investigate and report upon the nature and extent of the rights and interests of the United States in the fur-seals and other fisheries in the Behring's Sea in Alaska; whether and to what extent the same had been violated; and by whom: and what, if any, legislation is necessary for the better protection and preservation of the same."

The Committee reported† upholding the claim of the United States to jurisdiction over all waters and land included in the Treaty of Cession by Russia to the United States, and construing different Acts of Congress as completing the claim of national territorial rights to cover the open waters of Behring's Sea outside of the 3-mile limit.

The concluding portion of the Report, among other things, states as follows:—

"That the chief object of the purchase of Alaska was the acquisition of the valuable products of the Behring's Sea.

"That at the date of the cession of Alaska to the United States, Russia's title to Behring's Sea was perfect and undisputed.

"That by virtue of the Treaty of Cession the United States acquired complete title to all that portion of Behring's Sea situated within the limits prescribed by the Treaty.

"The Committee herewith report a Bill‡ making necessary amendments of the existing Law relating to these subjects, and recommend its passage."

Herewith appended is a copy of the Bill H. R. 12,432, introduced as directed by this Report, together with an extract from the "Congressional Record" relating to the same.§

The Proclamation of the President of the United States was issued on the 21st March, 1889, of which a copy is appended to this Report.||

This Proclamation takes the place of the Notice already quoted, first reciting section 1,956 of the Revised Statutes and then section 3 of the Act, entitled "An Act to provide for the Protection of the Salmon Fisheries of Alaska,"¶ which is as follows:—

"Section 3. That section 1,956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Behring's Sea, and it shall be the duty of the President at a timely season in each year to issue his Proclamation and cause the same to be published for one month at least in one newspaper (if any such there be) published at each United States' port of entry on the Pacific Coast warning all persons against entering the waters for the purpose of violating the provisions of the said section, and he shall also cause one or more vessels of the United States to diligently cruize in the said waters and arrest all persons and seize all vessels found to be or to have been engaged in any violation of the Laws of the United States therein."

Then follows the warning as in Appendix (marked E).

The Minister desires to bring to the immediate notice of the British Government the foregoing to show that while the wrongs inflicted by the American authorities upon subjects of Her Britannic Majesty still go unredressed, instead of withdrawing from the position assumed by the United States in 1886, the Government of that country threatens to renew the illegal acts complained of.

* Appendix (D), "Report of Governor of Alaska for fiscal year 1888."

† Report No. 3883, 50 Congress, Section 2, Appendix (A), March 30, 1869

‡ Bill, H. R. 12,432.

§ Appendix (A).

|| Proclamation, March 21, 1889, Appendix (E).

¶ Approved, March 2, 1889.

Under these circumstances it is not surprising that the public mind in Canada has become excited if not alarmed by even the appearance of delay in obtaining full compensation for the injuries done to British subjects residing in this portion of the Empire.

Adverting again to the Report of the Committee on Marine and Fisheries of the House of Representatives, the Minister does not deem it necessary to review all the conclusive answers which have been given to the ground taken by said Committee, and he is glad to recollect that the British Government has never entertained doubt regarding the absence of the slightest justification for the seizure of the Canadian vessels.

He may, however, be permitted to refer to the argument of the Committee of Marine and Fisheries before adverted to.

The contention of the Committee was that the only question ever raised between Russia, England, and the United States regarding maritime jurisdiction in the Pacific had reference to a section of the coast of the North Pacific Ocean, and entirely remote from Behring's Sea.

Upon this the Minister observes that the distinguished American jurist, Chancellor Kent, did not so construe the letter of Mr. Adams.* On the subject of *mare clausum* he says in his Commentaries:—†

"The claim of dominion to close or narrow seas is still the theme of discussion and controversy. Puffendorf admits that in a narrow sea the dominion of it, and the right of fishing therein, may belong to the Sovereigns of the adjoining shores.

"According to the current of modern authority, the general territorial jurisdiction extends into the sea as far as cannon-shot will reach and no farther, and this is generally calculated to be a marine league, and the Congress of the United States have recognized this limitation by authorizing the District Courts to take cognizance of all captures made within a marine league of the American shores."

And with reference to the letter of Mr. Adams, he further says:—

"The claim of Russia to sovereignty over the Pacific coast north of the 51st degree of latitude as a close sea was considered by our Government in 1882 to be against the rights of other nations."

In Regulations under the Russian Ukase of 1821, which led to the correspondence referred to, Russia expressly pretends to grant exclusive commercial and fishing rights to Russian subjects "from Behring's Straits to the 51st degree of northern latitude; also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring's Strait to the south cape of the Island of Urup, viz., to 45° 30' northern latitude."

Criticizing this, Mr. Adams said:—‡

"To exclude the vessels of our citizens from the shores beyond the ordinary distance to which the territorial jurisdiction extends has excited still greater surprise."

The letter of the 2nd April, 1822, from Mr. Poletica to Mr. Adams especially shows that the long controversy from 1822 to 1868 between the Russian and American Governments was not confined, as the Committee of Marine and Fisheries says, "to that section of the coast and waters of the North Pacific Ocean between the 51st parallel of north latitude and Mount St. Elias and east of the 141st meridian," since in it, after endeavouring to prove the title of Russia to the north-west coast of America from Behring's Straits to the 51st degree of north latitude, Mr. Poletica says:—

"In the same manner the great extent of the Pacific Ocean at the 41st degree of latitude cannot invalidate the right which Russia may have of considering that part of the ocean as close. But as the Imperial Government has not thought fit to take advantage of that right, all further discussion on this subject would be idle."

Reference can again be made to the letter of Mr. Adams to Mr. Poletica,§ wherein he stated:—

"With regard to the suggestion that the Russian Government might have justified the exercise of sovereignty over the Pacific Ocean as a close sea because it claims territory both on its American and Asiatic shores, it may suffice to say that the distance from shore to shore on this sea in latitude 51° north is not less than 90° of longitude, or 4,000 miles."

And to the letter of Mr. Adams to Mr. Middleton,|| the American Representative in Russia, wherein he remarks:—

"From the tenour of the Ukase, the pretensions of the Imperial Government extend

* March 30, 1882.

† "Kent's Commentaries," vol. i, pp. 29 and 30, 13th edition.

‡ Mr. Adams to Mr. Poletica, February 25, 1822.

§ March 20, 1822.

|| July 22, 1823.

to an exclusive territorial jurisdiction from the 45th degree of north latitude, on the Asiatic coast, to the latitude of 51° north, on the western coast of the American continent, and they assume the right of interdicting the navigation and the fishery of all other nations to the extent of 100 miles from the whole of that coast.

"The United States can admit no part of these claims. Their right of navigation and of fishing is perfect and has been in constant exercise from the earliest times, after the Peace of 1783, throughout the whole extent of the Southern Ocean, subject only to the ordinary exemptions and exclusions of the territorial jurisdictions, which, so far as Russian rights are concerned, are confined to certain islands north of the 55th degree of latitude and have no existence on the continent of America."

Subsequently Mr. Forsyth, Secretary of State at Washington, wrote Mr. Dallas,* from which is extracted the following passage:—

"The United States, in agreeing not to form new establishments to the north of latitude 54° 40' north, made no acknowledgment of the right of Russia to the territory above that line. If such an admission had been made, Russia, by the same construction of the Article referred to, must have acknowledged the right of the United States to the territory south of the designated line. But that Russia did not so understand the Article is conclusively proved by her having entered into a similar Agreement (1825) with Great Britain, and having, in fact, acknowledged in that instrument the right of possession of the same territory by Great Britain. The United States can only be considered as acknowledging the right of Russia to acquire by actual occupation a just claim to unoccupied lands above the latitude 54° 40' north, and even this is mere matter of inference, as the Convention of 1824 contains nothing more than a negation of the right of the United States to occupy new points within those limits.

"Admitting that this inference is just, and was in contemplation of the parties to the Convention, it cannot follow that the United States ever intended to abandon the just right acknowledged by the 1st Article to belong to them under the law of nations, to frequent any part of the unoccupied coast of North America for the purpose of fishing or trading with the natives."

The Committee having endeavoured to show that the correspondence between 1822 down to the Treaty of Cession with Russia had no reference to Behring's Sea, were compelled to reconcile with their contention the opinion of Mr. Secretary Boutwell, of the Treasury Department at Washington, given on the 9th April, 1872, wherein he held that the taking of fur-seals was not unlawful unless attempted within a marine league of the shore. Accordingly, Mr. Boutwell was called upon to explain his previous letter, and this he has attempted to do.†

It will be observed, however, that, while Mr. Boutwell now claims that his letter of 1872 referred only to that portion of the Pacific south of the Aleutian range of islands, the letter is in reply to a direct question from the Collector at San Francisco, founded upon an extract from a newspaper.

This newspaper expressly states that parties in Australia are fitting out for an expedition for the capture of fur-seals "in Behring's Sea." The Collector incloses this extract to Mr. Boutwell, and suggests that, as the seals reach St. Paul and St. George Islands uniformly by the Ounimak Pass and through the narrow straits near that pass, that a cutter be placed in the region of Ounimak Pass, where it could render most efficient service in preventing foreigners slaughtering fur-seals in the water on their way to the islands.

Mr. Boutwell's letter conveyed his opinion that a Revenue cutter could not protect the seals in the narrow pass referred to, since they went in pairs or singly and not in droves, and covered "a large region of water in their homeward travel to these islands," and he added: "I do not see that the United States would have the jurisdiction or power to drive off parties going up there for that purpose unless they made such attempt within a marine league of the shore."

It is impossible, in the light of the present contention of the United States, to suppose that Mr. Boutwell did not know that the slaughter of the seals in the waters of the Behring's Sea was the fear of the collector and that the suggestion of the latter was to prevent foreign vessels pursuing seals through the pass in question.‡

Notwithstanding this explanation, it is to be observed that no vessel of any kind was ever seized by the American Government for violation of section 1956, Revised Statutes before mentioned, until 1884, when outside of the 3-mile limit in Behring's Sea.

The list of seizures produced before the Committee is hereto appended.§

* November 3, 1837.

+ Report of Committee on Marine and Fisheries, p. 12, 50 Congress, Session 2, No. 3883, Appendix (F).

‡ Appendix (G).

§ Appendix (C).

The Minister of Marine and Fisheries feels assured that arguments such as he has referred to cannot do more than aggravate the situation and expose the weakness of a claim of jurisdiction which for nearly three years the Government of the United States have been permitted to maintain against the interests and rights of British subjects.

It is to be regretted that some of the leading Representatives in the Canadian Parliament have already been induced to express the opinion that the British Government would not actively protect the rights of British subjects resident in Canada in cases wherein the United States were concerned, and while he, the Minister, believes such opinion to be entirely erroneous and unfounded, he desires to express the hope that these extreme views may be in nowise strengthened by any unnecessary delay in vigorously and effectively pressing the Canadian claims against the American Government for the illegal and unjustifiable action now under consideration.

The record of the claims having been completed on the 12th day of January, 1888, and then forwarded to the Imperial authorities, the Minister recommends that Her Majesty's Government be urged to take such further steps as will promptly secure from the Government of the United States not only full and ample reparation for the loss and damage sustained, but also a complete and immediate retraction of the claim of that country to exercise exclusive jurisdiction over the waters of the Behring's Sea.

The Committee concur in the foregoing résumé and recommendation of the Minister of Marine and Fisheries, and they advise that your Excellency be moved to forward a copy of this Minute, together with the inclosures, to the Right Honourable the Secretary of State for the Colonies.

The Committee further advise that the High Commissioner for Canada be directed to place himself in personal communication with the Secretary of State, so as to afford him any further information that may be desired, all which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE, Clerk,
Privy Council.

APPENDICES.

50th Congress, 2nd Session, H. R. 12432.—(Report No. 3883.)

IN THE HOUSE OF REPRESENTATIVES.

January 29, 1889.—Read twice, recommitted to the Committee on Merchant Marine and Fisheries, and ordered to be printed.

Mr. Dunn, from the Committee on Merchant Marine and Fisheries, reported the following Bill:—

A Bill to Amend Section 1963 of the Revised Statutes, and to provide for the better Protection of the Fur Seals and Salmon Fisheries of Alaska, and for other Purposes.

BE it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, that section 1963 of the Revised Statutes of the United States be amended so as to read as follows:—

"Section 1963. Within one year prior to the time when the lease heretofore made by the Secretary of the Treasury to 'the Alaska Commercial Company' of the right to engage in taking fur-seals on the islands of Saint Paul and St. George, pursuant to the Act of the 1st July, 1870, chapter 189, or when any future similar lease expires or is surrendered, forfeited, or terminated, the Secretary of the Treasury shall lease to proper and responsible parties for the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, their comfort, maintenance, and education, as well as to the interests of the parties heretofore engaged in the trade and the protection of the fisheries, the right of taking fur-seals on the islands herein named, and of sending a vessel or vessels to the islands for the skins of such seals, for the term of twenty years, at an annual rental of not less than 50,000 dollars, to be reserved in such lease and secured by a deposit of United States' bonds to that amount; and the additional sum of not less than 3 dols. 50 c. for each fur-seal skin taken and shipped from the islands of St. Paul and St. George during the continuance of any lease to be paid into the Treasury of the United States, and every such lease shall be duly executed in duplicate and shall not be transferable; and the Secretary of the Treasury is empowered to make all needful Regulations for the collection and payment of the same, and to secure the comfort, maintenance, education, and protection of the natives of those islands, and also to carry into full effect all the provisions of this chapter,

except as otherwise prescribed. And he shall give at least sixty days' notice of the letting of said lease by publication in at least one daily paper published in the cities of Boston, New York, Philadelphia, Baltimore, Washington, Chicago, New Orleans, St. Louis, and San Francisco, inviting bids for the same."

Sec. 2. That section 1956 of the Revised Statutes of the United States was intended to include and apply, and is hereby declared to include and apply, to all the waters of Behring's Sea in Alaska embraced within the boundary-lines mentioned and described in the Treaty with Russia, dated the 30th March, A.D. 1867, by which the Territory of Alaska was ceded to the United States; and it shall be the duty of the President, at a timely season in each year, to issue his Proclamation and cause the same to be published for one month in at least one newspaper published at each United States' port of entry on the Pacific coast, warning all persons against entering said Territory and waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons and seize all vessels found to be, or to have been, engaged in any violation of the laws of the United States therein.

Sec. 3. That section 1969 of the Revised Statutes of the United States be, and the same is hereby, repealed.

Sec. 4. That the erection of dams, barricades, or other obstructions in any of the rivers of Alaska, with the purpose or result of preventing or impeding the ascent of salmon, or other anadromous species, to their spawning-grounds, is hereby declared to be unlawful, and the Secretary of the Treasury is hereby authorized and directed to establish such Regulations and surveillance as may be necessary to insure that this prohibition is strictly enforced; and every person who shall be found guilty of a violation of the provisions of this section shall be fined not less than 250 dollars for each day of the continuance of such obstruction.

Sec. 5. The Commissioner of Fish and Fisheries is hereby empowered and directed to institute an investigation into the habits, abundance, and distribution of the salmon of Alaska, as well as the present conditions and methods of the fisheries, with a view of recommending to Congress such additional legislation as may be necessary to prevent the impairment or exhaustion of these valuable fisheries, and placing them under regular and permanent conditions of production.

Appendix (A).

Extract from the "Congressional Record," 1889, p. 2788.

FUR-SEAL AND SALMON FISHERIES.

MR. DRUM from the Committee on the Merchant Marine and Fisheries, reported back with the amendments ordered by the House the Bill (H. R. 12432) to amend section 1963 of the Revised Statutes, and to provide for the better protection of the fur-seal and salmon fisheries of Alaska and for other purposes, which was laid on the table for the present, and the Bill and amendments and the accompanying Report ordered to be printed.

Appendix (B).

Notice.

SECTION 1956 of the Revised Statutes of the United States provides that no person shall, without the consent of the Secretary of the Treasury, kill any otter, mink, marten, sable or fur-seal, or other fur-bearing animal within the limits of Alaska territory, or in the waters thereof; and that any person convicted of a violation of that section shall, for each offence, be fined not less than 200 dollars or more than 1,000 dollars, or be imprisoned not more than six months, or both; and that all vessels, with their tackle, apparel, furniture, and cargo, found engaged in violation of that section, shall be forfeited.

No fur-bearing animal will therefore be allowed to be killed by persons other than natives within the limits of the Alaska Territory, or in the waters thereof, except fur-seals taken by the Alaska Commercial Company, in pursuance of their lease. The use of fire-arms by the natives in killing otter during the months of May, June, July, August, and September, is hereby prohibited. No vessel will be allowed to anchor in the well-known otter-killing grounds, except those which may carry parties of natives to or from such killing grounds; and it will be the duty of the officers of the United States who may be in that locality to take all proper measures to enforce all the pains and penalties of the law against persons found guilty of a violation thereof. White men lawfully married to natives, and residing within the territory, are considered natives within the meaning of this Order.

Appendix (C).

Fur-Seal Fisheries of Alaska.

EXHIBIT C.

LIST of Vessels seized under orders of the Treasury Department.

Date.	Vessel Seized.	Seizing Vessel.	Commander.
Sept. 1, 1884	For violation of Section 1956, R. S.—		
Sept. 17, 1886	Hamburgh schooner "Adele" ..	Revenue steamer "Corwin" ..	Captain M. A. Healy.
Aug. 1, "	American schooner "San Diego" ..	Ditto	Captain C. A. Abbey.
	British schooner "Thornton" ..	Ditto	Ditto.
	" " "Carolena" ..	Ditto	Ditto.
Aug. 2, "	" " "Onward" ..	Ditto	Ditto.
July 2, 1887	" " "Anna Beck" ..	Revenue steamer "Rush" ..	Captain L. G. Shepard.
" 9, "	" " "Wm. P. Sayward" ..	Ditto	Ditto.
" 12, "	" " "Dolphin" ..	Ditto	Ditto.
" 16, "	American schooner "Lilly L." ..	Ditto	Ditto.
" 17, "	British schooner "Grace" ..	Ditto	Ditto.
Aug. 6, "	American schooner "Ellen" ..	Ditto	Ditto.
" 6, "	" " "Annie" ..	Ditto	Ditto.
" 6, "	British schooner "Alfred Adams" ..	Ditto	Ditto.
" 8, "	American schooner "Alpha" ..	Ditto	Ditto.
" 8, "	" " "Kate and Anna" ..	Ditto	Ditto.
" 18, "	" " "San Jose" ..	Ditto	Ditto.
" 25, "	" " "Allie I. Algar" ..	Revenue steamer "Bear" ..	Captain W. A. Healy.
" 25, "	British schooner "Ada" ..	Ditto	Ditto.
Sept. 2, "	American schooner "Sylvia Handy" ..	Ditto	Ditto.
June 30, 1887	For violation of Section 1961 R. S.—		
	American schooner "Challenge" ..	Revenue steamer "Rush" ..	Captain L. G. Shepard.

Appendix (D).

Extract from the Report of the Governor of Alaska for the fiscal year 1888, to the Secretary of the Interior at Washington.

BUT whatever may be the conclusion as to the advisability or propriety of continuing the present policy of leasing the rookeries, the question need give Congress little concern if the claim of our Government to exclusive jurisdiction to all that part of Behring's Sea ceded to it by Russia be not insisted upon and maintained. It is just as essential, even more so, that the seals should be protected during their annual migrations to and from the islands, as that they should have such protection while on the rookeries and breeding-grounds. Protection within the 3-mile limit will not suffice to prevent the depopulation of the rookeries and ultimate total extinction of seal life in the waters of Behring's Sea.

In view of the fact that no seizures have been made the present year, the impression has gone abroad that hereafter there will be no interference by our Government with vessels which may engage in taking seals outside the 3-mile limit, and in consequence there is a well-grounded apprehension that next summer Behring's Sea will swarm with sealing-vessels from British Columbia and our own ports, and unless measures are taken to stop them at the threshold, incalculable damage is likely to be done to the rookeries.

The views I entertain concerning what I believe to be the bad policy of leasing the islands, do not blind me to the fact that here is a most valuable interest which it is the duty of the Government to protect by every legal means in its power; it matters not whether the present system be continued, or whether some other and less objectionable plan of dealing with it be adopted.

In view of the existing impression and the probability of a much more determined and destructive raid being made against the seals next summer than was ever before attempted, it is very desirable that the policy and determination of the Government in the matter of their protection should be speedily and finally announced.

Appendix (E).

President Harrison's Proclamation against unlawful Hunting on Alaska.

By the President of the United States of America:

A Proclamation.

THE following provisions of the laws of the United States are hereby published for the information of all concerned:—

Section 1956 Revised Statutes, chapter 3, title 2, enacts that:

"No person shall kill any otter, mink, marten, sable, or fur-seal, or other fur-bearing animal, within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall for each offence be fined not less than 200 nor more than 1,000 dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur-seals, under such Regulations as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur-seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law, nor shall he grant any special privileges under this section."

Section 3 of the Act entitled "An Act to provide for the Protection of the Salmon Fisheries of Alaska," approved 2nd March, 1889, provides that:

"Section 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominions of the United States in the waters of Behring's Sea; and it shall be the duty of the President, at a timely season in each year, to issue his Proclamation and cause the same to be published for one month at least in one newspaper (if any such there be) published at each United States' port of entry on the Pacific coast, warning all persons against entering the waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruize the said waters and arrest all persons and seize all vessels found to be, or to have been, engaged in any violation of the laws of the United States therein."

Now, therefore, I, Benjamin Harrison, President of the United States, pursuant to the above-recited Statutes, hereby warn all persons against entering the waters of Behring's Sea within the dominion of the United States for the purpose of violating the provisions of said section 1956 Revised Statutes; and I hereby proclaim that all persons found to be, or to have been, engaged in any violation of the laws of the United States in said waters will be arrested and punished as above provided, and that all vessels so employed, their tackle, apparel, furniture, and cargoes, will be seized and forfeited.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this 21st day of March, 1889, and of the Independence of the United States the 113th.

By the President,
(Signed) BENJAMIN HARRISON.

(Signed) JAMES G. BLAINE,
Secretary of State.

Appendix (F).

Extract from Report of Committee on Marine and Fisheries, p. 12.

IT having been claimed by the Canadian authorities in their brief relating to the seizure of Canadian vessels in Behring's Sea by our Revenue cutters, that ex-Secretary Boutwell had decided that the United States had no jurisdiction over Behring's Sea outside of the 3-mile limit, the attention of Mr. Boutwell was called to the matter by Honourable W. W. Eaton, late Chairman of the Foreign Affairs Committee, United States' Senate, to which Mr. Boutwell made the following reply:—

"Sir,

"Washington, January 18, 1888.

"Since the receipt of your letter of the 16th instant, I have examined with care the letter addressed to me as Secretary of the Treasury by T. G. Phelps, Esq., then Collector of Customs at the Port of San Francisco, dated the 25th March, 1872, and also my official reply thereto, dated the 19th April, 1872, in relation to the purpose of certain parties to capture fur-seals on their annual migration to the Islands of St. Paul and St. George, through the Onimak Pass, and through the neighbouring approaches to the islands. Upon the examination of the correspondence, my recollection is in a degree refreshed, and my knowledge of the circumstances revived.

"The fourth sentence of Mr. Phelps' letter appears to proceed upon the idea that it was the purpose of the hunters, as their purpose was then understood by him, to take the seals upon the Pacific Ocean side of the Aleutian range of islands, and near the passes mentioned, and through which the animals were destined to move, and such was the view taken by me on which my reply was based.

"Nor can I now see that there is ground for any other reasonable construction of the correspondence.

"Mr. Phelps appears to have apprehended a diversion of seals from the Onimak Pass and the narrow straits near that pass, and his suggestion of a remedy was limited to the same field. Therefore, neither upon my recollection of facts as they were understood by me in 1872, nor upon the present reading of the correspondence, do I admit the claim of Great Britain that my letter is an admission of any right adverse to the claims of the United States in the waters known as Behring's Sea. My letter had reference solely to the waters of the Pacific Ocean, south of the Aleutian Islands.

"Very respectfully,
(Signed) "GEORGE S. BOUTWELL.

"Hon. W. W. Eaton, Washington, D.C."

Appendix (G).

Extract from "Papers relating to Behring's Sea Fisheries," Washington Government Printing Office, 1887

PART V.

THE following correspondence shows the position assumed in 1872 by the Treasury Department in relation to the extent of jurisdiction of the United States in Alaskan waters:—

"Mr. Phelps to Mr. Boutwell.

"Sir,
*"Customs House, San Francisco, Collector's Office,
"March 25, 1872.*

"I deem it proper to call the attention of the Department to certain rumours which appear to be well authenticated, the substance of which appears in the printed slip taken from the 'Daily Chronicle' of this date, herewith inclosed.

"In addition to the several schemes mentioned in this paper, information has come to this Office of another which is being organized at the Hawaiian Islands for the same purpose. It is well known that, during the month of May and the early part of June in each year, the fur-seal, in their migration from the southward to St. Paul and St. George Islands, uniformly move through Onimak Pass in large numbers, and also through the narrow straits near that pass which separate several small islands from Aleutian group.

"The object of these several expeditions is unquestionably to intercept the fur-seals at these narrow passages during the period above mentioned, and there, by means of small boats manned by skilful Indians or Aleutian hunters, make indiscriminate slaughter of those animals in the water, after the manner of hunting sea-otters.

"The evil to be apprehended from such proceedings is not so much in respect of the loss resulting from the destruction of the seals at those places (although the killing of each female is in effect the destruction of two seals); but the danger lies in diverting these animals from their accustomed course to the Islands of St. Paul and St. George, their only haunts in the United States.

"It is believed by those who have made the peculiar nature and habits of these animals a study that if they are by any means seriously diverted from the line upon which they have been accustomed to move northward in their passage to these islands, there is great danger of their seeking other haunts, and should this occur the natural selection would be Komandorsky Islands, which lie just opposite the Pribolov group, near the coast of Kamschatka, owned by Russia, and are now the haunts of fur-seals.

"That the successful prosecution of the above-mentioned schemes would have the effect to drive the seals from their accustomed course there can be no doubt. Considering, therefore, alone the danger which is here threatened to the interest of the Government in the seal fisheries, and the large annual revenue derived from the same, I have the honour to suggest, for the consideration of the Honourable Secretary of the Treasury the question whether the Act of the 1st July, 1870, relating to those fisheries, does not authorize his interference by means of Revenue cutters to prevent foreigners and others from doing such an irreparable mischief to this valuable interest. Should the Honourable Secretary deem it expedient to send a cutter into these waters, I would respectfully suggest that a steam-cutter would be able to render the most efficient service, and that it should be in the region of Onimak Pass and St. Paul and St. George Islands by the 15th of next May.

"I am, very respectfully,

(Signed)

"T. G. PHELPS, *Collector.*"

Extract from San Francisco "Daily Chronicle," March 21 1872.

"It is stated in reliable commercial circles that parties in Australia are preparing to fit out an expedition for the capture of fur-seals in Behring's Sea. The present high prices of fur-seal furs in London and the European markets has acted powerfully in stimulating enterprises of a like character. But a few days ago we mentioned that a Victorian Company was organized for catching fur-seals in the North Pacific. Another party—an agent representing some Eastern capitalists—has been in this city for the past week making inquiries as to the feasibility of organizing an expedition for like purposes."

"Mr. Boutwell to Mr. Phelps.

"Sir, *"Treasury Department, Washington, D. C., April 19, 1872.*

"Your letter of the 25th ultimo was duly received, calling the attention of the Department to certain rumours circulating in San Francisco to the effect that expeditions are to start from Australia and the Hawaiian Islands to take fur-seals on their annual migration to the Islands of St. Paul and St. George through the narrow pass of Onimak. You recommend—to cut off the possibility of evil resulting to the interests of the United States from these expeditions—that a Revenue cutter be sent to the region of Onimak Pass by the 15th May next.

"A very full conversation was had with Captain Bryant upon this subject while he was at the Department, and he conceived it to be entirely impracticable to make such an expedition a paying one, inasmuch as the seals go singly or in pairs, and not in droves, and cover a large region of water in their homeward travel to these islands, and he did not seem to fear that the seals would be driven from their accustomed resorts, even were such attempts made.

"In addition, I do not see that the United States would have the jurisdiction or power to drive off parties going up there for that purpose, unless they made such attempt within a marine league of the shore.

"As at present advised, I do not think it expedient to carry out your suggestions, but I will thank you to communicate to the Department any further facts or information you may be able to gather upon the subject.

"I am, very respectfully,

(Signed)

"GEORGE S. BOUTWELL, *Secretary.*"

No. 202.

Colonial Office to Foreign Office.—(Received August 3.)

Sir, *Downing Street, August 3, 1889.*

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, an extract of a letter from the High Commissioner for Canada respecting the alleged seizure of the "Black Diamond" in Behring's Sea.

Lord Knutsford feels assured that the subject will receive the careful and early consideration of Lord Salisbury.

I am, &c.
(Signed) R. H. MEADE.

Inclosure in No. 202.

The High Commissioner for Canada to Lord Knutsford.

(Extract.) 9, Victoria Chambers, Westminster, August 2, 1889.

REFERRING to the interview with which I was favoured by Lord Salisbury, yourself, and Sir Julian Pauncefote yesterday, I beg to inclose cuttings from the London "New York Herald,"* and "Daily News"† of to-day, which seem to leave no doubt that the seizure of the British schooner the "Black Diamond" took place in the open waters of Behring's Sea, and is therefore in direct violation of the engagement made by the United States that no more seizures of British vessels should take place pending a settlement of the present controversy.

No. 203.

Foreign Office to Colonial Office.

Foreign Office, August 5, 1889.

Sir, I HAVE laid before the Marquis of Salisbury your letter of the 3rd instant, with its inclosures, addressed to Her Majesty's Principal Secretary of State for the Colonies by the High Commissioner for Canada, calling attention to the reported seizure in Behring's Sea of the British schooner "Black Diamond" by the United States' Revenue-cutter "Rush."

It appears from the newspaper cuttings forwarded by Sir C. Tupper, that despatches from British Colombia, giving details of the case, have arrived at Ottawa, and Lord Salisbury thinks that it would be desirable to obtain by cable some official statement of the case from the Canadian Government before telegraphing to Her Majesty's Representative at Washington.

I am to point out that everything seems to depend in this case on the precise position of the "Black Diamond" at the time of seizure.

Lord Salisbury would also be glad to be furnished with the details of the case of the "Triumph," to which allusion is made in the newspapers, but of which no information has reached the Foreign Office.

The original inclosures accompanying your letter are returned herewith.

I am, &c.
(Signed) T. V. LISTER.

No. 204.

Colonial Office to Foreign Office.—(Received August 9.)

Downing Street, August 8, 1889.

Sir, WITH reference to your letter of the 5th instant respecting the seizure of the "Black Diamond" in the Behring's Sea, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a telegram which was addressed to the Governor-General of Canada on the receipt of your letter, together with a copy of one received this day from Lord Stanley of Preston in reply.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 204.

Lord Knutsford to Lord Stanley of Preston.

(Telegraphic.)

SEIZURE of "Black Diamond" and "Triumph." Telegraph at once full information, specifying precise point where seized, and all the facts connected with these cases.

Inclosure 2 in No. 204.

Lord Stanley of Preston to Lord Knutsford.

(Telegraphic.)

August 7, 1889.

CASES of "Black Diamond" and "Triumph."

Newspaper reports appear substantially correct.

According to private telegram from Victoria, seizure of "Black Diamond" 70 miles from land. I have not yet received from Ottawa official Report asked for by telegram.

No. 205.

*Colonial Office to Foreign Office.—(Received August 9.)*Sir, *Downing Street, August 9, 1889.*

WITH reference to your letter of the 18th April last, requesting to be supplied with information as to the extent to which vessels belonging to British Columbia were engaged in seal-hunting in Behring's Sea prior to 1886, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, with its inclosures, upon the subject.

Lord Salisbury will observe that the last sub-inclosure to this despatch tends to show that the shooting of seals in the open sea is not the wanton and wasteful destruction of seal life which it is alleged to be by the authorities of the United States.

I am to request that the inclosures to the Governor-General's despatch, which are forwarded in original, may be returned to this Department when they have been printed at the Foreign Office.

I am, &c.

(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 205.

*Lord Stanley of Preston to Lord Knutsford.*My Lord, *New Richmond, P.Q., July 20, 1889.*

WITH reference to your Lordship's despatch of the 27th April last, transmitting a copy of a letter from the Foreign Office requesting to be supplied with information as to the extent to which vessels belonging to British Columbia were engaged in seal-hunting in Behring's Sea prior to 1886, I have the honour to forward herewith a copy of an approved Minute of the Privy Council concurring in a Report of my Minister of Marine and Fisheries on the subject.

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 205.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, June 29, 1889.

THE Committee of the Privy Council have had under consideration a despatch dated the 27th April, 1889, from the Right Honourable the Secretary of State for the Colonies, requesting information as to the extent to which vessels belonging to British Columbia were engaged in seal-hunting in Behring's Sea prior to 1886.

The Minister of Marine and Fisheries to whom the despatch was referred states that until the return of the sealing fleet, which some time since cleared from British Columbia upon its annual sealing voyage, he is unable to furnish complete information upon the early history of the seal industry in the North Pacific Ocean and Behring's Sea, so far as it relates to vessels belonging to British Columbia. The Minister desires, however, to call attention to the Customs records at Victoria, British Columbia, from which it appears that the schooner "Kate," 58 tons, Dutch Harry, master, H. Ogilvie, navigator, went to Behring's Sea in 1865 and again in 1866 upon a sealing voyage.

The Minister observes that it is to be remembered that the sealing industry was carried on by British Columbian vessels, in the waters of British Columbia on the north and north-western coast, as well as in the North Pacific Ocean and Behring's Sea, the

seals at certain times of the year spreading over these waters and being captured in great numbers at different points.

In 1880 the fur-seal trade of the British Columbia Coast was of great importance. Previously, and even then, it was difficult to obtain absolutely correct Returns regarding it, but it was estimated that 20,000 skins were obtained in the immediate neighbourhood of Vancouver Island alone during that season.

There were engaged in this fishery in that year the following British Columbia vessels, sailors, and hunters :—

Vessels.	Tonnage.	Sailors.	Hunters.
Favorite	79	5	40
Onward	35	4	30
Thornton	35	4	24
Anna Beck	50	5	32
Wanderer	16	3	16
Alert	30	3	32
Winifred	15	3	12
Employing 93 canoes.	260	27	186

It will be observed that of these vessels a number were, in 1886 and 1887, seized by the United States' Government in Behring's Sea, and form the subject of the claims now being pressed.

In the season of 1881 between 13,000 and 14,000 skins, worth from 150,000 dollars to 180,000 dollars, were obtained by the following British vessels :—

Vessels.	Tonnage.	Sailors.	Hunters.
Anna Beck	50	6	32
Thornton	35	5	24
Triumph	18	3	12
Winifred	15	3	12
Onward	35	4	32
Black Diamond	80	5	36
Juanita	80	5	36
Favorite	80	5	36
Mary Ellen	65	5	44
Kate	55	5	24
Employing 146 canoes.	483	46	292

In the next season the catch was valued at 177,000 dollars and the following vessels were engaged in this pursuit :—

Vessels.	Tonnage.	Sailors.	Hunters.
Grace	80	5	36
Dolphin	80	5	36
Juanita	50	4	32
W. P. Sayward	75	4	32
Favorite	80	5	32
Mary Ellen	65	5	36
Kate	55	4	28
Onward	35	4	32
Black Diamond	80	4	32
Winifred	15	2	12
Anna Beck	50	4	32
Thornton	35	4	28
Alfred Adams	75	4	32
Employing 200 canoes.	775	54	400

And in 1883 the following vessels from British Columbia pursued this industry :—

Vessels.	Tonnage.	Sailors.	Hunters.
W. P. Sayward	75	4	32
Favorite	80	5	32
Mary Ellen	65	5	36
Kate	55	4	28
Onward	35	4	32
Black Diamond	80	4	32
Winifred	15	2	12
Thornton	35	4	28
Alfred Adams	75	4	32
Anna Beck	50	4	32
	565	40	296
Employing 148 canoes.			

Apparently and in the absence of more definite information at this moment available in the continual pursuit of these seals, it was after this that fur-seals were systematically sought in the Behring's Sea, as well as in the North Pacific Ocean by British sealers, for it is found that in 1884 Daniel and Alexander McLean, both British subjects, took the American schooner "San Diego" to Behring's Sea, and that they were successful in the seal fishery. On their return they purchased the British schooner "Mary Ellen," 63 tons, and chartered the schooner "Favorite," 80 tons, and with white crew, white hunters, and Indians cleared from Victoria for Behring's Sea in 1885, where they met with repeated success, returning to Victoria before 1886 and clearing in 1886 again for the North Pacific Ocean and Behring's Sea.

The Minister further observes that attention is drawn in the letter from the Foreign Office, now under consideration, to the statement of Mr. Bayard in a letter addressed to Her Majesty's Minister at Washington on the 12th April, 1887, in which the following passage occurs :—

"The Laws of the United States regulating the killing of fur-seals have been in force for upwards of seventeen years, and, prior to the seizure of last summer, but a single infraction is known to have occurred and that was promptly punished."

In this connection it is important to note that the Governor of Alaska in his Report, bearing date the 1st October, 1886, and again in 1887, regarded the capture of one American and three British schooners apparently as the first overt act on the part of the United States' Government to assert the claim for exclusive jurisdiction over the waters of Behring's Sea north of the Aleutian Islands.

Extracts from these two Reports, hereto appended, indicate as well that, in the opinion of the Governor, an indiscriminate slaughter of seals had been previously carried on in these waters.

In the voluminous correspondence touching the acquisition and Government of Alaska by the United States published in the Executive documents of Congress from 1868 down to the time of the seizures in question, the Minister, after a careful examination, has been unable to find, in the various instructions given from time to time to Commanders of the Revenue Service, or of ships of war of the United States cruising in Behring's Sea, organizing a Government in Alaska and guarding the interests of the Alaska Commercial Company upon the islands leased to the Company, any suggestion of the intention of that Government to assert a claim which it had so vehemently disputed when advanced by Russia. The Minister, on the contrary, has observed that while vessels from British Columbia and elsewhere were trading and fishing generally in the Behring's Sea, the instructions relating to the fisheries given to Revenue marine ships by the United States' Government until 1886 were confined to the protection of the Seal Islands from marauders who were in the habit of landing thereon.

It is to be noted that the seizures of British sealers in the open sea followed the Report on the cruise of the Revenue marine steamer "Corwin" in the year 1885.

In this Report it is among other things stated that a special look-out was kept for vessels sealing when shaping a course for St. Paul's. The Captain in his Report says : "While we were in the vicinity of the Seal Islands a look-out was kept at the mast-head

for vessels cruising, sealing, or illicitly trading among those islands." Having drawn attention to the number of vessels which sought the seals on the islands, and having illustrated the great difficulty of preventing the so-called "piracy" thereupon, the Commander concludes as follows:—

"In view of the foregoing facts, I would respectfully suggest—

"(1.) That the Department cause to be printed in the Western Papers, particularly those of San Francisco, California, and Victoria, British Columbia, the sections of the Law relating to the killing of fur-bearing animals in Alaskan waters, and defining in specific terms what is meant by Alaskan waters.

"(2.) That a Revenue-cutter be sent to cruise in the vicinity of Pribyloff Islands and Aleutian group during the sealing season."

While the first suggestion has never been adopted, no notice nor Act having yet defined what is meant by Alaskan waters, it seems to be clear that, in accordance with this Report and other similar representations, the United States' Government sent Revenue-cutters in 1886 with instructions for the first time to take sealing-vessels found anywhere in the great ocean called the Behring's Sea.

Accordingly Mr. George R. Tingle, Special Agent of the Treasury Department, reports from St. Paul Island, Alaska, 31st July, 1886, to the Honourable C. S. Fairchild, Acting Secretary of Treasury, Washington, District of Columbia, that the Revenue-cutters were then engaged in keeping marauders from landing on the Seal Islands, and that the Captain of the Revenue-cutter "Corwin," on the 26th July had reported having seized the schooner "San Diego," which vessel he calls an "old offender." He goes on to say: "This commencement of captures will do much towards breaking up the marauding business about the islands this season; indeed, the 'Corwin's' presence here has undoubtedly kept off quite a fleet of schooners and destroyed their unlawful business hereabouts. With the cutter 'Bear' to remain until fall, after coming out of the Arctic, seal life will be protected from pirates this season. It is the only means by which good can be accomplished in that direction. I do earnestly hope the Department will see the necessity of keeping a cutter around the fur-seal islands every season from the 1st July to the 1st November."

From the extract in Mr. Bayard's letter it appears that he was under the impression that prior to the seizures of 1886 but a single infraction of the United States' Law regulating fur-seals as construed by the Commanders of the Revenue-vessels which made these seizures, had occurred.

The particulars already referred to by the Minister of Marine and Fisheries fully meet Mr. Bayard's assertion, whether he refers to the violation of the Statute inside of the 3-mile limit or upon the waters of the sea at large.

Attention may be directed to the Report of Mr. George Davidson, Assistant United States' Survey on board the United States' Revenue-steamer "Lincoln," to Professor Benjamin Pierce, Superintendent United States' Coast Survey, Washington, District of Columbia, in 1867, wherein he says, when touching upon the fisheries of the Behring's Sea: "Two or three small schooners sailed from Victoria and made small catches." And again, "In addition to the already acknowledged success of the cod fisheries from San Francisco and Victoria and our own experience, I add that of Captain Bryant, formerly a whaler in the North Pacific, and now an influential member of the Massachusetts Legislature. quoting from your notes of the 26th May. Behring's Sea is a mighty reservoir of cod and halibut, so that he never threw over his lines without bringing up fish in whatever part of the sea he might happen."

It is admitted that Mr. Davidson is not dealing with the fur-seal fisheries to which Mr. Bayard specifically refers, yet the extracts from this Report appear to the Minister to be important, touching the general question of *mare clausum*, bearing testimony as they do to the undisputed enjoyment of the fisheries in general in the Behring's Sea by vessels from British Columbia long ago.

The Minister desires to avail himself of this opportunity to direct attention to recent criticisms of one of the most influential and independent organs of public opinion in the United States upon the position taken by the Government of that country as regards Behring's Sea.

The Minister appends herewith a paper upon the "Fur-seal Fisheries of the Pacific Coast and Alaska," recently prepared and published in San Francisco, and designed to explain, more particularly to Eastern United States' Senators and Congressmen, the value of the fur-seal fisheries, which contains much valuable information not adverse to the contention of the Canadian Government.

The Committee, concurring in the foregoing Report of the Minister of Marine and Fisheries, recommend that your Excellency be moved to forward a copy of this Minute to

the Right Honourable the Principal Secretary of State for the Colonies, for the information of the Foreign Office, and that a copy thereof be sent to the High Commissioner.

All which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. McGEE, Clerk,
Privy Council.

Appendix No. 1.

Extract from the Report of the Governor of Alaska for the Fiscal Year 1886.

Protection of Fur-Seal and Sea Otter, page 48.

AS these seizures have most probably raised an international question involving the right of the United States to exclusive jurisdiction over the waters of the Behring's Sea north of the Aleutian Islands, and east of the 193rd meridian, west longitude, it may not be unbecoming in me to suggest that unless that right is insisted upon and maintained, an industry which now yields a revenue equal to a fair rate of interest on the amount paid for the whole of Alaska will not only be destroyed, but the means of livelihood will likewise be taken away from a large number of people whom the Government is bound by every consideration of honour and public policy to protect. I can conceive of no other plan by which the seal fisheries can be preserved than the one long ago adopted and now in vogue, whether they ought not now to be yielding a very large revenue to the Government is a question to be discussed a year or two hence. It is reasonably certain, however, that unless our Government asserts and maintains the jurisdiction ceded to it by Russia, the Seal Islands will in a very few years be robbed of all present or prospective value to any one. It is just as essential to the preservation of this industry that the seals be protected against indiscriminate slaughter while on their way to and from their breeding places, as that the number to be taken on the islands should be limited, and every necessary restriction imposed as to age, sex, and the mode of killing.

* * * * *

Unless our right to such jurisdiction be waived or abandoned, seals once in Behring's Sea are as much the property of the United States as the islands themselves, and should be no less zealously guarded than are the Newfoundland cod banks by the Dominion of Canada. Unless so guarded chartered rights will not only be impaired, but a source of large and perpetual revenue to the Government utterly destroyed.

Appendix No. 2.

Extract from the Report of the Governor of Alaska for the Fiscal Year 1887.

Protection of Fur-Seal.

IN connection with these seizures, from which it seems to me no other inference can be drawn than that our Government is determined to assert and maintain the right of exclusive jurisdiction over all that portion of Behring's Sea ceded to it by Russia, I can only reiterate that part of my last Annual Report in which I essayed, rather feebly I fear, not only to show the necessity of such a policy to the preservation of the sea-fur industry, but the wrong its abandonment would inflict upon the very considerable number of native people who wholly or in large part depend upon it for a livelihood, and whom, it appears to me, it is the duty of the Government to protect.

In view of the fact that the seizure of these vessels and their forfeiture has raised an international question of grave importance, I have thought it proper to include with this Report a copy of the brief submitted by the Queen's Counsel in the case of the British schooners, together with the argument of the United States' Attorney and the opinion of the Court. Honourable A. K. Delaney, Collector of Customs, having been designated as special Counsel on account of the illness and subsequent death of Colonel M. D. Ball, United States' District Attorney, represented the Government, and made what I think will be generally conceded a most able and forcible, if not wholly unanswerable, argument. (See Appendix C.)

Appendix No. 3.

Report of the Cruise of the Revenue Marine Steamer "Corwin" in the Year 1885.

(Ex. Doc. No. 153, 49th Congress, 1st Session, pp. 17 and 18.)

DURING the year quite a number of vessels have raided Alaskan waters for seals and other fur-bearing animals. Among the number the following, with their catches, are noted:—

"Look-out," 1,100 seals; "Mary Ellen," 2,309 seals; "Favourite," 2,065 seals; "San Diego," 1,725 seals; "Sierra," 1,312 seals; "Vanderbilt," about 1,000 seals; "Henrietta," about 1,200 seals; "Alexander," 660 seals and 107 sea-otters; "Otter," a few seals and about fifty or sixty sea-otters; with the "Adele" and other vessels yet to hear from.

"Thus it will be seen that upwards of ten vessels were engaged in unlawful sealing in Alaskan waters during the present year, and I am convinced that next year the number will be considerably increased.

"Rumours are current here that the American Consul at Victoria has informed different people that they are not prohibited by law from sealing in Alaskan or other waters, provided they keep more than 3 leagues from the shore. Encouraged by this decision and the success of the marauding sealers during the present year, parties in Victoria are fitting out vessels (two or three being steam-schooners) to engage in the business next year. Not only are seals killed out of season, but they are shot in the water, and young and old, male and female, killed indiscriminately, all in direct violation of Sections 1960 and 1961, Revised Statutes, and all tending, if allowed to continue, to drive the seals from their regular haunts."

Appendix No. 4.

Wardman's "Trip to Alaska," pp. 116 and 117.

(Published at Boston and New York in 1884.)

SEA OTTER ISLAND, lying about 5 miles southwardly from St. Paul's, is another landing-place for the fur-seal, but only to a limited extent. Owing to the fact that it is not permanently inhabited, some marauders were in the habit of landing on the opposite side, where they could not be seen from St. Paul's, and killing whatever seal they could find, without regard to sex, age, or condition. The Company reported these facts to the Secretary of the Treasury, who decided that the intention of the Act under which the lease was authorized appeared to be to give all the islands of the group to the lessees for the regulation of the traffic and preservation of the fur-seal. Then, as the Company could not defend Sea Otter Island, the Government was asked to do so, and now the practice is to leave a Revenue marine guard there during the sealing season.

Appendix No. 5.

Extract from House Executive Documents, 2nd Session, 48th Congress, 1884-85, vol. 29.

Letter from the Secretary of the Treasury relative to the Protection of Seal and Enforcement of Laws in Alaska, and recommending an appropriation of 25,000 dollars for the Revenue Marine Service in that Territory, February 24, 1885.

(Ex. Doc. No. 252, 48th Congress, 2nd Session.)

REVENUE MARINE SERVICE.—In this connection I beg to call the attention of Congress to the importance of the work performed in Alaska by the Revenue cutters. The seal fisheries yield annually to the Government a revenue of about 300,000 dollars. The islands on which the seals are taken are protected from incursions of marauding vessels alone through the cruising of the Revenue cutters.

Appendix No. 6.

Report of the Cruise of the Revenue Marine Steamer "Corwin" in the year 1885.

(Ex. Doc. No. 153, 49th Congress, 1st Session, p. 15.)

ON our arrival at Ounalaska on the 15th, the steamer "Dora" was in port, and three days later the schooner "Mattie Turner" arrived. The "Turner" reported having seen, three weeks previous, a schooner between the seal islands and Ounalaska, and thought she might still be cruising in that vicinity for the purpose of killing seals.

Appendix No. 7.

"New York Herald," June 7, 1889.

MR. BLAINE'S "EMBARRASMENTS."—The "Tribune" admits that the "Herald" is right when it assumes that the State Department will be embarrassed by the action of the previous Administration in dealing with the Behring's Sea question.

That is to say, Secretary Blaine, if he undertakes to negotiate with England on the theory that Behring's Sea between the Straits and the Aleutian Islands is a land-locked or closed sea, will be confronted with recent confessions by Mr. Bayard that it is an open sea, and that its fisheries are to be regulated by international action of the leading Maritime Powers.

Very true. It is less than two years since Secretary Bayard invited a number of foreign Powers into some arrangement with the United States for the protection of the Behring's seal fisheries. That

was a distinct admission on the part of this Government, and a specific announcement to the Powers addressed that the United States did not claim exclusive jurisdiction over the waters, nor assume any exclusive right to regulate the fisheries. And in keeping with this view was the action of the Government in ordering the release of the Canadian sealers seized by our cruisers. Of course all this will promptly and with reason be cited against Secretary Blaine if he now abandons the position and undertakes to maintain the contrary.

But this is not all that will be cited against the Secretary to his "embarrassment." He will be confronted by the fact that the United States more than sixty years ago emphatically denied the claim of Russia to exclusive jurisdiction, and never conceded that claim while Russia owned Alaska. He will be confronted by the fact that this Government asserted a similar principle in the case of the Black Sea and that of the Baltic. He will further be confronted by the geographical fact that Behring's Sea is an open sea, and by the universal principle of international law that an open sea cannot be owned or controlled by one nation without the consent of other nations. Lastly, Mr. Blaine will be "embarrassed" by the fact that he is the first Secretary of State to advance the claim that Behring's Sea is a closed sea, subject to the control of the United States.

But, says our contemporary, President Harrison's recent Proclamation, which is based on the Act of Congress of the 2nd March, 1889, "embodies the claim to exclusive jurisdiction." Well, suppose it does. That cannot help Mr. Blaine much in his controversy with England. A claim asserted by Congress or the President, or both, has no more international force than a claim asserted by the State Department.

But does the Act of Congress of the 2nd March, on which the President's Proclamation rests, assert the right of control over Behring's Sea? It asserts the right of control over "all the dominion of the United States in the waters of Behring's Sea." Now the extent of the dominion of the United States in those waters is the very point in issue. The previous Act passed in 1868, immediately after the purchase, applied to "the waters of Alaska." If the Amendatory Act of 1889 was intended to assert a larger domain than that of 1868, to declare in favour of exclusive jurisdiction, will not Mr. Blaine be also confronted with the argument that this claim was not asserted by Congress till this year?

However, we hope that Mr. Blaine will be able to overcome his many "embarrassments" in the controversy, and to satisfy England and the other Powers interested that his claim is well grounded. Behring's Sea is a great body of water, and its fisheries are very valuable. If we can secure control of it with foreign consent, so much the better for us. But it looks as if Mr. Blaine had a big undertaking on his hands.

"New York Herald," May 29, 1889.

THE BEHRING'S SEA QUESTION.—So it seems Secretary Blaine has decided that Behring's Sea is a *mare clausum*, or closed sea, over which the United States has exclusive jurisdiction and absolute control. No one, native or alien, but the Alaska Company is to be allowed to catch seals in those waters, and any vessel, American or foreign, found violating this prohibition is to be seized.

Can Mr. Blaine successfully maintain this claim in the diplomatic controversy which its announcement must provoke? Can our Government undertake to enforce it without inviting a foreign war?

The claim is against universally recognized principles of international law. It is opposed to the traditions and precedents of our own Government. It is contrary to the record of the State Department on this very question as recently as the administration of Mr. Bayard.

In the law of nations no principle is more settled than that the high seas are the public property of the world, which cannot be monopolized by any one Power. As Woolsey says:—

The high sea is free and open to all nations. It cannot be the property or the empire of a particular State. It cannot become property, for it cannot be possessed. It is clearly for the common benefit of mankind. It is a common pathway, separating and yet binding, intended alike for all.

It is equally well settled that a nation may own and exercise exclusive control over a "closed sea"—that is, a body of water either lying wholly within, or is almost entirely surrounded by, its own territory. The jurisdiction of every country over the ocean for a marine league, or 3 miles, from its coast is universally conceded.

A glance at the Map will show that Behring's Sea is not a closed sea. It is a vast expanse of water more than 1,000 miles wide. It is not land-locked. It is part of the Pacific Ocean; it forms the water highway between that and the Arctic Ocean. To claim it is to claim the high seas.

The State Department now bases its claim on the rights acquired from Russia when we purchased Alaska. There can be no question that the United States succeeded to all the rights held by Russia. But what were Russia's rights?

It is true that Russia claimed Behring's Sea long before we bought Alaska. But that country never had any exclusive right to it, for the simple reason that it never acquired, and never could acquire, except by the consent of nations, any such right. This Government cannot simply fall back on Russia's claim. It will be required by foreign Powers to show that the claim is well founded, or abandon it.

Russia's claim was never conceded by any other Power. On the contrary, it was emphatically denied by the two foreign Powers most interested. It was denied by the United States, and it was denied by Great Britain. Russia yielded to this Government in a Treaty made in 1824, and to England in one made in the following year. Our Treaty continued in force for only ten years, but we never conceded to Russia the right it claimed.

If the State Department now undertakes to maintain Russia's old claim it will be confronted not only by the opposition of England, but also by its own record. Moreover, it will run counter to the international principle it has invoked against foreign Powers in numerous cases, that an open sea cannot be exclusively controlled by any nation.

Appendix No. 8.

"Fur Seal Fisheries of the Pacific Coast and Alaska."

THIS pamphlet, in connection with the Chart inclosed, is designed to explain more particularly to our Eastern Senators and Congressmen the full value of the fur-seal fisheries, in order that when the question of re-leasing the fur-seal islands of St. George and St. Paul arises, they may know exactly what they are doing, so that they may not grant a monopoly to any firm or Company for a trifle, which has been done in the past to the Alaska Commercial Company of San Francisco.

These islands are so far away from the eastern part of our country that the great majority of merchants and business men know comparatively nothing about this great industry, and the profits connected with the same.

The writer, during the past two or three years, has met a great many eastern visitors to our coast, and whenever the question of the fur-seal fisheries has been brought up he finds that in all cases they have not the slightest idea of the same, and whenever the value is explained, and Charts shown, showing just how broad the claim our Government has taken in its jurisdiction of the Behring's Sea, in protection of the fur-seal, or more particularly protecting the Alaska Commercial Company in their vast monopoly of the fur-seal fisheries, and by this monopoly enabling this Company to control nearly all of the fur trade of Alaska, they are astonished, and still more when it is further explained to them that the 100,000 fur-seals, as taken by the Alaska Commercial Company, bring nearly 2,000,000 dollars each year, and for this privilege the fee to the United States' Government is the small sum of 296,286 dol. 82 c., being the exact average amount paid by the Alaska Commercial Company, and to be paid by them each year, as claimed by the Alaska Commercial Company, during the twenty years of their lease. This is taken from the Alaska Commercial Company's own statement in their reply to Governor Swineford's charges (see p. 12 of that volume)—and these figures cannot be disputed by them—thus enabling the Company to make a clear profit of not less than 1,000,000 to 1,250,000 dollars each year off the seal islands alone.

When they come to figure that this has been going on for nearly twenty years, it is easy to explain how they have controlled all the trade of this vast section.

Evidently a strong effort is being made by certain parties that the leasing of the fur-seal islands shall be at the discretion of the Secretary of the Treasury to say who is the proper person to lease these islands to, and that a set sum shall be the specified amount for this lease. Below we copy an article cut from one of the daily papers, entitled—

The Seal Fisheries.

(An interesting Report presented to the House.)

Washington, January 29.

Representative Dunn, from the Committee on Merchant Marine and Fisheries, to-day presented the results of the investigation by the Committee into the fur-seal fisheries of Alaska, with special reference to whether the Contract giving the Alaska Commercial Company the right to take fur-seals had been violated. Dunn accompanied his Report with a Bill on the subject. It proposes to amend the present Law by providing that one year before the present lease to the Alaska Company expires, or when any future similar lease expires, the Secretary of the Treasury shall lease to the proper persons the right of taking fur-seals on the Islands of St. Paul and St. George for twenty years, at not less than 50,000 dollars per annum, and 3 dol. 50 c. in addition for each sealskin shipped from the islands. Such lease shall not be transferable.

You will notice in this Report it is recommended that the Secretary of the Treasury shall lease to the proper persons. Now, the question is, who are the proper persons? Can any one read this Report and fail to see where the interest is? Why not put the leasing of these islands in a business shape like any other Government Contract? Let it be awarded to the highest bidder, give all a chance, and not allow this one man to decide who are the proper persons to whom these islands shall be leased. If it is done in this way it is safe to say that the next lease will realize from 600,000 to 800,000 dollars per annum to our Government, instead of 400,000 dollars, as per recommendation of Mr. Dunn.

You will also notice that it is recommended to amend the Laws so that the Secretary of the Treasury shall not only have the power of re-leasing the islands, but that this Law shall apply to any future lease, thereby extending this power to an unlimited extent, in fact as long as these islands are of any value for leasing.

Who would not like to be the Secretary of the Treasury and have this power? It would be almost as good as having the islands themselves. Now, we protest against such action. It shows fraud upon its face so plain that a blind man ought to see through it.

This Report of the 29th January goes further on, and says:—

The present Law is declared to apply to all the waters of Behring's Sea in Alaska mentioned in the Treaty with Russia by which Alaska was ceded to the United States, and the President shall take measures to have arrested all persons, and seized all vessels, violating the laws of the United States therein. In addition to the above provision is made for the protection of the salmon fisheries. The Report recommends that the Act to prevent the extermination of our fur-bearing animals in Alaska be

continued in force with certain amendments, believing that not only the system it adopts but the methods of carrying it into effect are well adapted for the purpose indicated.

In conclusion, the Committee finds the following facts:—

That if the Law protecting seal life is enforced, the preservation of the seal rookeries will be assured the revenue continued and increased, and the native inhabitants of the seal islands maintained, without cost to the Government; that the Alaska Commercial Company has fully performed its Contract with the Government, and has contributed liberally to the support, maintenance, comfort, and civilization of the inhabitants of not only the seal islands, but to those of the Aleutian Islands, Kodiak, and the mainland; that the fur-seal industry will have paid into the Treasury over 8,000,000 dollars during the period of the present lease; that the chief object of the purchase of Alaska was the acquisition of the valuable products of Behring's Sea, that at the cession of Alaska to the United States the Russian title to Behring's Sea was perfect and undisputed, and that by virtue of the cession the United States acquired complete title to all that portion of Behring's Sea situated within the limits prescribed by Treaty.

In reviewing this part of the Report we are not prepared to say that the Company has not fulfilled all of its obligations to the Government, certainly it should have done so with the profits connected with this monopoly. This part of the Report was, as we understand, the result of an investigation of the charges made by Governor Alfred P. Swineford, of Alaska, against the Alaska Commercial Company.

We hereby republish Governor Swineford's reply, as published in various papers previous to this date:—

Governor Swineford's Report.

The annual Report of Governor Swineford, of Alaska, on the territory and the operations of the Alaska Commercial Company was laid before both Houses of Congress on the 19th January.

The Governor reaffirms and emphasizes the accusations heretofore made by him against the Company in its dealings with the natives other than those living on the seal islands.

Concerning the treatment of these he has no word of complaint. He also says that the Company's Contract with the Government relative to the taking of fur-seal is, in his opinion, faithfully observed. The Company's treatment of the mainland natives he characterizes as unjust and cruel in the extreme.

Referring to the denial of the charges against the Company in his last annual Report, he says:—

"I now and here reiterate every one of those charges, though I know full well that an investigation made by a Committee of Congress, holding its sessions in Washington, and calling as witnesses only those who have been recipients of the Company's favours, is not likely to arrive at any just conclusion as to their truth or falsity. I can only say that each and every statement I have made concerning the operations of the Company is susceptible of the clearest and most convincing proof, but the evidence will not be found lying around loose in the cities of Washington and San Francisco. It must be sought for among the people who have suffered from its oppressions rather than in the persons of those who have had free transportation on its ships and been wined and dined at the tables of its officers and agents. A Sub-Committee of Congress going over the route taken by me in the recent cruise of the 'Thetis,' assuring the people of protection against still greater oppression after its departure, will have no difficulty whatever in finding the evidence to prove the truth of every statement I have made."

The Report for 1887 above referred to was published in the "Fur Trade Review" for July 1887.

The "Fur Trade Review" can be obtained by addressing the publishers, No. 35, Bond Street, New York City.

In referring to the part of this Report where it is claimed that the fur-seal industry will have paid into the Treasury over 8,000,000 dollars during the period of the present lease, we claim this part to be false. The Government has not, and will not, have received it at the end of the lease, and taking the Alaska Commercial Company's reply to Governor Swineford's charge in referring to what they have paid, the Alaska Commercial Company says:—

"As this part of the subject bears upon the Company's relation to the Government, we may be excused for here calling attention to the fact that the total annual tax and rental paid by this Company to the United States from the 1st July, 1870, to August 1887, amounts to 5,290,736 dol. 49 c.

"Calculating that the full number of fur-seals for the next two years be taken, we will have paid the full sum of 5,925,736 dol. 49 c."

"See pp. 11 and 12 of reply of the Alaska Commercial Company to the charge of Governor Alfred E. Swineford, of Alaska, against the Company, in his annual Report for the year 1887.

Now, this is copied directly from the Alaska Commercial Company's reply. Taking their own figures for the same, where they only claim they will have paid into the Treasury at the end of their lease 5,925,736 dol. 49 c., this leaves a difference of 2,074,263 dol. 51 c. between what they will actually have paid, according to their own figures, and what is claimed in the Report of Representative Dunn. Now, we ask, why this false representation by one of our Representatives?

Having now fully shown why this Report, as recommended, should have no bearing—showing the falsity of the same—we will now go further, and show the value of the catch of the 100,000 fur-seals, as taken by the Alaska Commercial Company for the year 1888.

We will also show nearly the actual cost of the expense to the Company in taking them, sending to market, commissions, &c. While this is a difficult matter to do exactly, we will come near it, and allow long margins in favour of this expense, enough so that it will undoubtedly leave a balance in their favour

	Dol.	c.
In the first place, we take their average amount paid to the Government, as per their own estimate and statement	296,286	82
This must be correct.		
We then take the money paid to the natives for killing and skinning the seal.		
In their reply to Governor Swineford's charge (p. 19) they say:—		
"There are 87 families on St. Paul Island; there are 26 families on St. George Island; making 113 families in all."		
We will give the benefit of 450 dollars for each family, which is the highest price claimed as being paid to them for their service (see p. 16 in their reply to Governor Swineford's charge). This would give total expense for killing, skinning, curing, and loading into the vessel, as paid to the natives	51,850	00
This allows the very highest estimate paid for this service, according to their own Report.		
We will now make an allowance of	30,000	00
for expense of the Company on the islands for the year, independent of the sum paid to the natives. This is for white clerk hire, insurance, and for fuel, and an abundant supply of salted salmon, which is given to the natives free of charge, &c., which we think to be a full margin for this expense.		
The next item of expense is salt, which is the only article used to cure the skins. We will say that it takes 400 tons of salt—200 tons will do this, but on account of the short time in which seals are taken, it does not allow much time to use it over, which can be done two or three times. This salt at present is worth 9 dollars per ton in San Francisco, in small lots of 1 to 10 tons. We will say that it cost that for 400 tons, making expense of salt	3,600	00
The next item is cost of transportation from the island to San Francisco. The steamer "St. Paul" is designed for this purpose. She made three trips during the year 1888, clearing from San Francisco for Ounalaska—		
1st trip, cleared March 22, 1888.		
2nd trip, cleared May 12, 1888.		
3rd trip, cleared September 13, 1888.		
Each time the manifest called for assorted goods and merchandize of various kinds, and fully one-half of which was consigned to other parts of Alaska, so that probably one-half of the expense of this steamer could be charged to other business, independent of the seal islands. On two of these trips she cleared with thirty men, and once with thirty-one. The steamer is probably employed eight months in the year. The expense of this cannot be accurately estimated, but by estimating the expense of this vessel ...	50,000	00
for the year, would, we think, give long margin, so as to include wear and tear, interest on investment, insurance, &c.; this would give expense a fair estimate until goods are laid in San Francisco. We will allow $1\frac{1}{2}$ per cent. insurance to London on, say, 1,250,000 dollars, which would probably be the extent that these skins could be insured for, and which amounts to	18,750	00
When the skins arrive in San Francisco they are packed in casks, especially made for this purpose, which contain on an average 40 to 45 skins, calling 40 skins. This would make 2,500 casks. San Francisco market value of same is 2 dol. 25 c. each, making total expense	5,375	00
We will give expense of packing in casks, drayage, and storage in San Francisco ...	5,000	00
The freight at present time between San Francisco and New York, in carload lots, for seal-skins in pickle, is 2 cents per lb. When packed they will average nearly 16 lbs., and taking this as a basis, they would make nearly 1,600,000 lbs., at 2 cents per lb. ...	32,000	00
We will say it cost one-half this amount to lay and deliver them in London via steamer from New York, which, we think, is a large estimate	16,000	00
This lays them in London ready for sale. The purchaser has a discount of $2\frac{1}{2}$ per cent. allowed him, which is deducted from his purchase. This would make on 1,890,094 dol. 29'96 c., amount realized for the skins	47,252	35
C. M. Lampson and Co.'s charges for commission on the sale of salted fur-seal skins, which include insurance, storage, &c., after the goods are delivered to them, is 4 per cent.	75,603	76
This gives total expense of catching, curing, and marketing the 100,000 seals ...	559,367	93
The estimate of cost	296,286	82
Discount, $2\frac{1}{2}$ per cent.	47,252	35
Commissions, &c., C. M. Lampson and Co.	75,603	76
Labour of the natives	51,850	00
	470,992	93

These figures are practically correct, and can be verified. This amounts to within 88,375 dollars which is estimated, but the estimates are made long enough so that any Company obtaining the future lease of these islands can contract in San Francisco for this portion of the expense at these figures, and even less.

Having now found the actual cost, or near the same, of the 100,000 seals, we will go further and

find what these seals were sold for; we can then determine the profit, or near it, for the year 1888 on the 100,000 seals.

The skins, after arriving in London, were sold on the 6th November, 1888, by C. M. Lampson and Co., at public sale at the London Commercial Sale Rooms, Mincing Lane, as per their catalogue, which can be obtained from all exporters of furs, or from all large fur houses in the principal cities of the United States. They were sold in lots, the largest lot of which contained 222 skins, and the prices ranged from 130s. per skin down to 29s. In order to get at the exact amount realized by the sale, we have assorted the lots, and find that they brought as follows:—

29 skins brought	..	..	..	130s. each	1,098 skins brought	..	..	..	80s. each.
120	39	39	39	120s. 39	360	39	39	39	79s. 39
1,293	39	39	39	119s. 39	2,164	39	39	39	78s. 39
413	39	39	39	118s. 39	360	39	39	39	77s. 39
360	39	39	39	117s. 39	2,303	39	39	39	76s. 39
1,660	39	39	39	116s. 39	24,660	39	39	39	75s. 39
3,298	39	39	39	115s. 39	3,420	39	39	39	74s. 39
2,240	39	39	39	114s. 39	180	39	39	39	73s. 39
420	39	39	39	113s. 39	102	39	39	39	70s. 39
65	39	39	39	112s. 39	206	39	39	39	69s. 39
140	39	39	39	111s. 39	56	39	39	39	68s. 39
140	39	39	39	109s. 39	470	39	39	39	67s. 39
280	39	39	39	107s. 39	1,377	39	39	39	66s. 39
420	39	39	39	105s. 39	14,150	39	39	39	65s. 39
140	39	39	39	103s. 39	2,741	39	39	39	64s. 39
142	39	39	39	98s. 39	2,769	39	39	39	63s. 39
143	39	39	39	96s. 39	9,187	39	39	39	62s. 39
60	39	39	39	95s. 39	2,270	39	39	39	61s. 39
242	39	39	39	94s. 39	200	39	39	39	60s. 39
147	39	39	39	93s. 39	1,054	39	39	39	57s. 39
183	39	39	39	92s. 39	263	39	39	39	56s. 39
3,200	39	39	39	91s. 39	393	39	39	39	55s. 39
9,600	39	39	39	90s. 39	172	39	39	39	54s. 39
3,200	39	39	39	89s. 39	384	39	39	39	50s. 39
177	39	39	39	88s. 39	29	39	39	39	45s. 39
640	39	39	39	85s. 39	31	39	39	39	44s. 39
368	39	39	39	83s. 39	57	39	39	39	42s. 39
244	39	39	39	82s. 39	16	39	39	39	29s. 39
180	39	39	39	81s. 39					

Now, in summing up the different lots, I find that instead of there being only 100,000 skins, as represented at the beginning of Lampson and Co.'s catalogue, consisting of 97,871 Alaska fur-seal skins, salted, and 2,129 Alaska seal skins, dressed natural, there was 100,016 skins, which realized 389,911 7/3s., which, when reduced to United States' money on the basis of 4 dol. 84 3/4 c. to the pound sterling, amounts to 1,890,094 dol. 29·69 c., thus bringing on an average 18 dol. 89·79 c. per skin.

We found that these skins brought	..	..	..	..	..	Dol.	c.
Deducting the total cost of same	..	..	..	..	..	1,890,094	29·67
						559,367	93
Leaves a net profit of	..	..	..	..	..	1,330,726	36·67

for the year 1888. Figuring this as general merchants do, it makes nearly a net profit of 238 per cent. on the capital invested. Talk about your sugar trust, gas stock, Water Companies, railroads, &c., this lays them all in the shade in the matter of profits. These figures are not mere guess work, but the facts, and any one by following the directions as specified can find vouchers for all these estimates.

Having now shown the value of this privilege in a fair and business manner, we ask, is it right and just to the business men, merchants, capitalists, and persons of the United States who have money to invest, and are more than willing to invest where there is a reasonable chance for returns, that this privilege should be placed at the discretion of one man to decide who is the proper person to have this privilege? Are we not right in this claim that if it is placed like any other Government contract that 600,000 to 800,000 dollars per year will be offered for this privilege, and by parties who will give as good bonds as can be had for the fulfilment of their contract?

Among the various methods for handling of the fur-seals, one is that the Government shall take charge of this, and conduct this business so as to derive all the benefit therefrom, which is not a bad one. Some would say the Government could not do this. It seems plain and easy. Let the Government take charge of this Reservation. The articles necessary to conduct the business could be bought the same as it now is, with ordinary supplies, by bids. A competent foreman can be obtained among its officers to superintend the killing and curing of the seal, as it requires no great skill to do this.

The Government steamer "Bear" could be used to transport supplies on its trip to the Arctic in the spring and bring back to San Francisco the seal-skins on their return trip in the fall, thereby causing but little expense, as on both trips to and from the Arctic they pass within 50 miles of these islands. The skins could be packed and shipped under the provision of the Government officials to C. M. Lampson and Co. for sale, and returns made direct to the Treasurer of the United States. This seems to be the best and most practical way to dispose of this franchise, thereby deriving all the benefits there may be in it to the Government. The privilege of conducting a general store on the islands could be sold the same as with other Reservations, as 113 families would undoubtedly support one good general merchandize store.

Another way, which we think would be much better for the best interest of the people of the Pacific coast, would be as follows.

Let the Government take charge of this Reservation, and, instead of killing 100,000, take 50,000 seals; and in doing this, let the selection be more thorough, so that the 50,000 skins shall be strictly

choice skins, that would average the highest possible price. Then abandon the present policy of claiming the Behring's Sea as an inland sea, which cannot be made to stand in the end. Restrict the killing of seal within the 3-mile or 6-mile limit, whatever is decided to be the limit of what a nation can hold authority over the high seas, and in this way it would promote the industry of private sealing to a much larger extent than it now is.

A person not knowing the value of this industry would ask wherein it would be to the interest of the Pacific coast to promote the sealing industry by private individuals. The answer is, three-fourths of the money derived from the catch of the private sealer is put right into circulation in this manner; in fact, quite a large percentage is put into circulation before the vessel leaves port. In order to make this more plain, we will give the detail of the private-sealer business. In the first place, a vessel has to be secured, either by chartering or purchasing. The vessels employed in this business are mostly small schooners ranging from 40 to 110 tons burden, 70 tons being a fair average for size. We will say an order is given to our ship-yards for a vessel for sealing:

For a new vessel of this description of 70 tons a fair price in San Francisco is ...	Dol. c.
...	7,000 00
This is designed to carry six otter- or sealing-boats, and a crew of twenty-one men. As soon as the vessel is received from the ship-yard, she has to be furnished with her anchors, chains, spare ropes, an extra suit of sails, dishes, cooking utensils, and other articles too numerous to mention, of which	2,500 00
is a low estimate.	
The next item is the six hunting-boats, with an average of 100 dollars each ...	600 00
A complete new outfit of guns, rifles, and ammunition, ranging from 600 to 900 dollars, according to the ideas of the master or owner, which we will call ...	750 00
Salt for curing the skins	100 00
Then comes the item of provisions, coal, &c., for a cruize of eight months for twenty-one men, would average	900 00
The slop-chest, which consists of clothing, blankets, boots and shoes, tobacco and medicines suitable for a cruize, and which the law forces all masters to take, is estimated ...	450 00
The vessel is now ready for sea except the crew. These as a rule go on a lay, but all being poor men, they generally have an advance paid to them, ranging from 20 to 100 dollars, and with a crew of twenty-one men a master may be considered lucky if he gets off with less than	1,200 00
advance money for his crew.	
Total expense to start with	13,500 00

This is as low an estimate as a vessel carrying six boats can be built and furnished for her first trip, with a reasonably fair outfit suitable to make a success of the business. This is near the actual expense which any one would be at to engage in this business. Of course, this amount would immediately go into circulation. At the present time there are about fifteen American vessels on the Pacific coast engaged in this business. Now could this business be brought up to 115 vessels, it would require 100 new vessels and outfits, which would at once put into circulation 1,350,000 dollars at the lowest calculation possible, and would give employment to 2,100 men. We will now estimate the average catch of the private sealer at 10,000 dollars each. This, one season with another, is a fair average catch, and would realize 1,000,000 dollars for the 100 vessels. The crew, at the end of the season, come in to be paid off, and, as a rule, receive one-half of the catch, which amounts to 500,000 dollars.

This is put immediately into circulation, leaving the balance in the owner's hands to balance his outlay on the trip whatever net profit there may be in the business. We will say that it is divided between the 100 owners. Now these 100 owners support 100 families, as a rule, and spend much more than though it was made and handled by four or five men in a stock Company. This explains wherein it is to the best advantage for the Pacific coast to have this business open to any one who wished to invest in the same. It is plain to be seen if this extra amount of business could be distributed on the Pacific coast between San Francisco, Portland, Port Townsend, Seattle, and other shipping points, it would promote all trade and business, with perhaps the exception of the hack-driver and undertaker. The Government at the same time would derive a large revenue on the sale of the 50,000 skins, enough to pay a dividend on the purchase of Alaska larger than it ever has done, and have a margin to protect the seals on their breeding grounds, which is conceded by all should be done.

We understand the objection made to the private sealers is made by those who do not understand how the hunting of seal is done. The reason for the objection is, that the private sealer will destroy all the seals and break up the seal rookeries. We ask: Has there ever been a seal rookery broken up and destroyed by hunters with fire-arms when used at sea from 10 to 20 miles away from the rookeries, and in most instances 50 miles away from the rookeries? We answer, No; it never has been done, and never can be done. In all cases where rookeries have been broken up it has been done by hunters directly on the beach where the seal land, and by hunting and killing them indiscriminately, so that they could not land and have their young, and care for the same. The killing of seal from 10 to 20 miles away from the rookeries is quite another thing. The seal there is not at the mercy of the hunter, as it has plenty of sea room, and is able to take care of itself, and is no easy game to capture, even by the most skilful hunter. This will be understood when it is considered that 2,500 seals is an exceptionally good catch for a vessel carrying twenty-one men, who are generally out seven or eight months getting this many. This shows that the seal, when away from land and at sea, is a hard animal to capture, and that they can never be exterminated by hunting at sea as now done, any more than the ducks and geese can be all killed, while on their way to and from breeding grounds in the Arctic.

We often see Reports about the seal-hunters, with remarks of the way they capture seals, claiming that many were shot and wounded, and couched in the most endearing manner that the poor seals were slaughtered by the hunters with shot-gun and rifle, so as to carry the impression that it was the most cruel business on the part of private sealers, and a business that should not be allowed, it being cruel in the extreme and unnecessary.

We will now turn the tables, and ask was there ever a more cruel and brutal method invented for killing dumb animals than is now practised in killing seals on the Islands of St. George and St. Paul. Imagine how these highly intelligent animals are gradually forced and driven away from the sea, their native element, driven inland as far as deemed practical. The slaughter then commences. Imagine a gang of men with clubs and bludgeons knocking out their brains right and left, and if the seal is not hit right at the first blow it is followed up and slaughtered, its brains being knocked out by a club.

Who can imagine a more cruel method than this for killing dumb animals? Certainly the private sealer's method is the most humane of the two. Again, it is claimed that many seals are shot that sink and are lost. Undoubtedly there are some lost in this way, but the percentage is light, probably one in thirty or forty, not more than this. It is also claimed that ten are shot and wounded that die to one that is secured. This is also an error. Many seals are shot at that are not hit at all, but when a seal is wounded, so that in the end it will die, it is most always secured by the hunter who may have to shoot at it several times in order to get it, as the seal in the water exposes only its head, and when frightened exposes only a small portion of that, so that, together with the constant diving of the seal, the motion of the boat, &c., makes it very hard to hit. This is where it is claimed that ten are shot and wounded to one that is secured, but it is nearer the truth that one is lost to ten that are secured, for the reason that when a seal is wounded it cannot remain under water any length of time, and therefore the hunter can easily follow it up and secure it.

We will now look at the Chart of the Behring's Sea and see on what grounds our Government claims this. You will notice a long chain of islands, called the Aleutian Islands, extending in the form of a circle to the westward, dividing the Pacific Ocean from the Behring's Sea. These islands are undoubtedly of volcanic formation, and while they extend some 1,200 miles to the westward, they do not inclose the Behring's Sea. The Island of Atton is our extreme western possession. The distance from the Island of Atton to Copper Island is 175 miles, and to the nearest point of the Kamchatka coast or Siberian side, 370 miles. Now if our Government can claim and control a sea with a passage 370 miles across, we want to know how she is going to do it, and on what grounds. Certainly not that it is an inclosed sea. More especially, when you again look at the Chart, you see that the Island of Atton is at the extreme end of the chain of islands, and as you follow this chain of islands back to the eastward as far as Unimak Pass, that between these islands are wide passages, allowing vessels of the largest dimensions to pass in and out of the Behring's Sea at will, a distance of some 1,200 miles to the Siberian coast, in a direct westward line. By carefully perusing this Chart it must convince the sceptical that our Government has no claim to the Behring's Sea as an inclosed sea.

We now come to the question of the jurisdiction of the Behring's Sea as taken by our Government, caused by the seal question. For this reason the Chart of the North Pacific Ocean and the Behring's Sea is sent to you so that it may show just how broad the claim our Government has taken in this matter. You will notice on the Chart of the Behring's Sea the line called the United States' imaginary boundary-line, called this for lack of no better name. This line has been laid out or imagined to exist in an open sea 1,200 miles across in its widest part, something never before claimed by any other Power in the history of the world. The impression has gone out that the Behring's Sea is an inclosed water, and under the full control of the United States and Russia. Just how or where this claim was first obtained no one seems to know. It sprang into existence like a mushroom, and apparently with about the same strength and standing. Our Government could, with the same consistency, all of a sudden claim the control of the Gulf of Mexico. It is considered by all maritime laws that a nation can only control a certain distance of the sea from her shores. This has been the established custom as a maritime law for an indefinite time, and our Government insists that our American fishermen shall have all right outside of the 3-mile limit from land in the controversy between the Canadian and American fishermen, and would not consider the 10-miles headland point as asked by the Canadians, but when they come on the Pacific in the Behring's Sea they go directly back on what they claim on the eastern side, and say, We own all this sea, and if you are found in it your vessels are subject to seizure and yourself fined, making no allowance whatever for what portion you may be in, whether 1 mile or 100 miles from land. Our Government then going directly back on what it claims from the Canadian authorities on the other side, we ask, can this claim be held when it comes to a final issue? So far it has been done by force, but might is not always right, and can any one claim but what our Government will have yet to pay for the damages to the Canadians and her own citizens for the losses they have sustained by the seizure of their vessels and forfeiture of same by our Government in its raid among the sealers in the year 1887 in the Behring's Sea.

By what other rights has the United States to the Behring's Sea? It is claimed that Russia ceded and sold to the United States the full and absolute right and control of all the waters of the Behring's Sea. The question is, did Russia do this? Did she sell this open sea, the public highway of the whalers, for an indefinite length of time in the past, to the whaling grounds in the Arctic—the highway of England via the Yukon River to her possessions in the far north. She did not do it. She sold her rights of the shore-line only, of which undoubtedly she had a right to do. Russia, despots and tyrants as they have proved themselves to be in all their dealings with nations and private individuals, never has and does not to this day claim or exercise jurisdiction of the Behring's Sea, except the shore-line. American, English, and vessels of all nations are allowed to hunt, fish, and trade without molestation in the waters of Behring's Sea, adjacent to Russian possessions, providing they respect the shore-line. The Russian Consul at Yokahama has in the past, and undoubtedly does at the present, issue orders to parties fitting out for hunting in the Behring's Sea, warning them not to intrude on the shore-line, within so many miles from shore, thus practically admitting that she had no claim to this open high

sea. Is not this fact alone sufficient evidence that she never sold to the United States what is now claimed she sold? She sold what she owned, and that was the shore-line only.

It seems that this imaginary boundary-line as set down on the Chart originated in imagination much the same as many stories, and after being told awhile is accepted as a fact and believed to be true, even by the person who first told the story. But when a thorough investigation is made, it is found that they will not hold water, and are matters of fiction only.

Having now reviewed this question, we ask our eastern Congressmen and Senators and Eastern newspapers to examine the merits of this case, so that when this important measure comes up they will know the full value of the same, and will act in the way that will be for the best interest of the most people of the United States. When Alaska was purchased, it was undoubtedly designed to be for the benefit of the masses, and probably not to create a monopoly for the benefit of a few men only, thereby retarding the growth and development of this very valuable Territory. We also think the laws should be so amended that a person could acquire a title to property, and so changed that a white man could have the privilege of killing a mink or an otter for its skin without first marrying a squaw; as the law now reads, no white man is allowed to kill any fur-bearing animal unless he marries a squaw. This is not commonly understood, but is a fact, and is a queer state of affairs, and one that would not be relished by parents having sons that would like to go to Alaska, more especially if they should have seen the Reports of Miss Kate Field on the women of Alaska.

It should not be forgotten that this is the first instance in the history of the Government of the United States in which it has ever pursued a policy tending to create a monopoly. All its laws relating to other portions of the public domain have been framed with a view to invite competition and prevent monopoly. Such is the spirit which has actuated and governed the pre-emption, homestead, mineral, and other laws relating to the public property. The theory has been that such public property has been vested in the Government, in trust, as it were, for all its citizens. The proposed legislation with respect to the Alaska seal fisheries will be the first exception to this universal policy. Indeed there is no species of the public property which has been more peculiarly regarded as the common heritage of all than the fisheries. Thus our Government has been for years past expending the most elaborate efforts, in time and money, to bring about such an adjustment of the Fisheries question on the North Atlantic coast as will open them to all American citizens. It is at least singular that, the moment we cross the continent, this established public policy should entirely change, and the waters of the Pacific be erected into a monopoly for the benefit of a single Corporation.

In conclusion, we cannot help but review the fact that it would be vastly to the best interest of the Pacific coast, and to the whole of the people of the United States, that the Government should take charge of the seal islands, restrict the killing to 50,000 seals per year, abandon the present bad policy of the jurisdiction of the whole of Behring's Sea, and open the Territory to its full development.

Our Eastern friends might ask us how it would benefit them. In the first place, it would open a profitable field for the employment of your idle capital.

In the second place, half of the articles necessary to develop this Territory would be drawn from your manufacturers, such as hardware, canvas for sails, ship chandlery, guns, clothing of all description, such as waterproof and oil clothing, and, in fact, all branches of trade would derive some benefit from it.

In the third place, it would open a field for the profitable employment of hundreds of your young men who are always on the watch for new fields to enter, so as to acquire wealth and a competency.

We ask your careful attention of the facts set before you, and trust our efforts may not be in vain.

Copies of this can be obtained by addressing C. D. Ladd, 529 and 531, Kearny Street, San Francisco, California.

Salmon and Seal.

The provisions of the Law to be strictly enforced.

IN referring to the order, as reported, of the 15th March,* in regard to the salmon fisheries, this mention of dams would be supposed to apply to the present method of taking salmon, called fish-traps. This order, if carried into effect, will undoubtedly work great hardships to the salmon canneries now engaged in this business in Alaska.

Section 3 reads that the publication of notice of seizure and confiscation of vessels shall be published one month in the papers at each United States' port of entry on the Pacific coast. With regard to this publication, it is earnestly hoped that it shall be plain, and clearly define just what the Government claims as its domain, whether it claims the shore-line or the whole Behring's Sea. In 1887 similar notices were published in San Francisco, but did not define what the Government claimed. In this year the Government vessel "Richard Rush," commanded by Captain Shepard, seized ten or twelve American and English schooners engaged in fur-seal hunting in the Behring's Sea, taking them wherever found, about 15 miles from land being the nearest that any was found and seized. One English vessel was 98 miles from land when seized, and others from 20 to 70 miles from land, and in

* *Washington, March 15.*—In company with D. Brown Goode, of the United States' Fisheries Commission, Senator Stockbridge, Chairman of the Committee on Fisheries, to-day called upon Secretary Windom with reference to the Act recently passed for the protection of the salmon fisheries in Alaska. The Act makes it unlawful to erect or maintain any obstruction in the rivers of Alaska with the purpose or result of impeding or preventing the ascent of salmon to their spawning grounds, and affixes a minimum penalty of 250 dollars a day for violation thereof. Last year, it is said, certain parties, by the aid of dams, captured millions of fish, and they are reported to be making ready for another campaign this year. The matter has been referred to the Law Officers of the Treasury Department, who will at once prepare the necessary orders for carrying into effect the provisions of the Act. The last session of the Act Senator Stockbridge says, will be carried out by the President in due time. Its adoption was a matter of serious concern to Congress, and its phraseology was changed by the Senate on Foreign Relations, and it was enacted into law as follows.

no case was any vessel within the 3-mile limit, which is supposed to be what a nation holds and controls of the high seas. Captain Shepard in one instance when remonstrated with said: "We do not care where you are, whether 1 mile or 500 miles from land, we are going to take you anywhere in the Behring's Sea." This high-handed proceeding on the part of our Government caused a great deal of criticism from our newspapers and public men, and the public sentiment, wherever the case was fully understood, was that these seizures were illegal and could not be sustained. In 1888 the "Richard Rush" left San Francisco the 3rd July for its cruise in the Behring's Sea, and it was currently reported that the Captain's instructions were the same as in 1887. Upon the vessel's arrival at Ounalaska this policy was changed, and no vessels were seized in 1888, the supposition being that none were found within the 3-mile limit. By this action the Government receded from the grounds taken in the year 1887, thereby practically admitting that the seizures of 1887 were wrong and illegal. Great injustice was done to the owners of American vessels engaged in this business in 1888 by the withholding of what the order was to be with regard to the Behring's Sea until the arrival of the "Richard Rush" in Ounalaska, thereby keeping out the American vessels. The English masters at Victoria claim that they had advices from their Government at Ottawa, that no seizure would be made outside the 3-mile limit. The result was that the English vessels went in, while the American vessels stayed outside. Hence this publication should by all means be explicit on this point in order that no one can be misled as they were last year.

We now come to that part of the Revised Statutes (section 1956)* where the killing of any otter, mink, martin, sable, or fur-seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof, it reads:—

"Any person guilty thereof shall, for each offence, be fined not less than 200 dollars nor more than 1,000 dollars, or imprisoned not more than six months, or both, and all outfits confiscated."

We ask, was there ever in the whole history of the world, a Law passed that showed quite the injustice that this does? Can you find its parallel? We doubt it when you look at the actual offence as compared with the value of the property taken. For instance, a miner on the Yukon kills a mink, its market value being less than 1 dollar, he is subject to a fine of possibly 1,000 dollars and imprisonment for six months, with the confiscation of his boats, blankets, provisions, &c. The same Law would apply to a prospector should he kill a beaver or a bear and use it for food: both are fur-bearing animals, and are common in Alaska.

The question comes up—for what reason has such a Law been passed? Is it to protect the fur-bearing animals of Alaska?† On the face of it, it would seem so, but really such is not the case. A Law like this has a tendency to discourage all parties from going to Alaska to trap, hunt, prospect for mines, and this is what is wanted by those who control the trade of Alaska. It is not desirable that Alaska should become settled, and its resources fully developed. It is more desirable to their interests that white men should be kept away, and for this reason a Law like this is pushed through by some means or other, which on the face of it looks sincere, but when understood shows plainly the injustice of it, and the detriment to the best interests of Alaska, injustice to all residents of Alaska, and to all parties who would like to go there. It is an understood fact that no vessel can go to Alaska for trade and make a success; it is impossible to buy furs from the natives to any extent. Why is this? Simply, when a native sells his furs to an outside trader, he is cut off from trading at the various ports, and is virtually considered an outcast, hence they dare not do it. The longer that white men are kept out of Alaska, so much the longer this trade is controlled. White hunters and traders hunt and send their furs where they choose, hence it is desirable that all such persons should be kept out if possible. It seems that these Laws are so framed in order to exclude competition and retard the development of Alaska instead of developing its resources as they should be, and open this vast country for the benefit of the whole people and not for the exclusive use of a few rich and powerful Companies. An earnest appeal is made that these Laws shall be amended so that a white man can at least live in the country without being a criminal. Simple justice asks this, as the only practical resources of Alaska are its furs, fisheries, and mines.

No. 206.

Colonial Office to Foreign Office.—(Received August 10.)

Sir,

Downing Street, August 9, 1889.

WITH reference to the letter from this Department of yesterday I am directed by the Secretary of State for the Colonies to transmit to you, for communication to the Marquis

* Section 3. That Section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominions of the United States in the waters of Behring's Sea, and it shall be the duty of the President, at a timely season in each year, to issue his Proclamation and cause the same to be published for one month in at least one newspaper, if any such there be published, at each United States' port of entry on the Pacific coast, warning all persons against entering said waters for the purpose of violating the provision of said section, and he shall also cause one or more vessels of the United States to diligently cruise in said waters and arrest all persons, and seize all persons found to be, or to have been engaged in any violation of the laws of the United States therein.

† Section 1956 of the Revised Statutes is as follows: "No person shall kill any otter, mink, martin, sable or fur-seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof, and every person guilty thereof shall, for each offence, be fined not less than 200 dollars nor more than 1,000 dollars, or imprisonment not more than six months, or both, and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this section, shall be forfeited, but the Secretary of the Treasury shall have power to authorize the killing of any such mink, martin, sable or other fur-bearing animals, except fur-seals, under such regulations as he may prescribe, and it shall be the duty of the Secretary to prevent the killing of any fur-seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law, nor shall he grant any special privileges under this section."

of Salisbury, a copy of a further telegram from the Governor-General of Canada, respecting the seizure of the "Black Diamond" and "Triumph":—

"It appears from a telegram, dated the 8th August, from Ottawa, that all additional information respecting 'Black Diamond' and 'Triumph' is being sent to-day; steps have been taken to secure sworn affidavits as to exact location of seizures and boarding of those vessels."

I am, &c.

(Signed) ROBERT G. W. HERBERT.

No. 207.

Colonial Office to Foreign Office.—(Received August 15.)

Sir,

Downing Street, August 14, 1889.

WITH reference to the letter from this Department of the 3rd instant respecting the seizure by the United States' authorities of the "Black Diamond" in the Behring's Sea, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, and for such action upon it as his Lordship may think proper, a copy of a further letter from the High Commissioner for Canada inclosing a copy of a Petition to the President of the United States from the owners of the American schooner "San Diego," which appears to support the Canadian view respecting such seizures.

The Orders in Council of the Canadian Government referred to Sir Charles Tupper were forwarded to the Foreign Office in the letters from this Department of the 18th August last year and the 9th instant respectively.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 207.

Sir C. Tupper to Lord Knutsford.

*9, Victoria Chambers, Westminster, London,
August 9, 1889.*

My Lord,

WITH reference to my letter of the 2nd instant on the subject of the seizure of British vessels in the Behring's Sea by the United States, I now have the honour to transmit, for your Lordship's information, a copy of a Petition to the President of the United States from the owners of the American schooner "San Diego," which seems to support the Canadian view of the matter.

With regard to the American proposal for the establishment of a close time for the Behring's Sea in relation to the seal-fishing, I should like to refer your Lordship to the Order in Council of the Canadian Government, dated the 4th July, 1888, which deals very fully with this part of the question.

I think both Lord Salisbury and your Lordship, after a careful perusal of this document, will come to the conclusion that the adoption of the proposal that is discussed would practically mean the exclusion of our fishermen from the Behring's Sea, while, at the same time, it would operate entirely to the benefit of the Alaska Commercial Company, with whose privileges it would not interfere. It also demonstrates, in my opinion, that there is no scarcity of seals; that any indiscriminate slaughter that takes place occurs on the islands on which the American Company pursues its operations, and that the seal-fishing industry might be extended considerably without any appreciable effect upon the supply. Supposing, however, that a necessity was found for some measures for protecting the seals, a proposition of the kind should be made upon a proper basis, which would operate equally against all, and not be a partial measure such as that suggested by the American Government, the adoption of which would be tantamount to the exclusion of British vessels from participation in the industry.

I have no doubt that your Lordship has seen by this time the further Order in Council of the Canadian Government approved by his Excellency the Governor-General on the 29th June, 1889. This also contains information, much of it from American sources, proving beyond doubt the justice of the British claim to equal rights with the United States in the open waters of Behring's Sea. The right of the American Government to make Regulations with regard to the fishing on the islands

and the mainland, and in the waters within the 3-mile limit from the shore, is not disputed, but before the purchase of the territory, the United States dissented in the strongest possible manner to any claim of exclusive jurisdiction by another Power in the open waters of the sea in question, and it is only comparatively recently that they have advanced their claim to regard the open sea as United States' property. Her Majesty's Government have always resisted such a contention, and I cannot doubt that they will now take such steps as will insure the prompt settlement of the question by the withdrawal of the United States' Government from the position they have taken up, and not only thus enable British vessels to engage peacefully, without molestation in the fishery industry, in accordance with the rights conceded by international law, but also demand reparation in favour of those persons whose vessels, equipment, and cargo have been seized, and of those who have in other ways suffered injury in consequence of the harsh, arbitrary, and unjust acts of the United States' Revenue cruisers.

I have, &c.

(Signed) CHARLES TUPPER.

Inclosure 2 in No. 207.

Messrs. Handy and Co. to the President of the United States.

32, Clay Street, San Francisco.

UNDER the provisions of Article 2, Section 2, of the Federal Constitution, as expounded in six opinions (Attorneys-General, p. 393), and in the case of *ex parte* Garland (4 Wall, 333), we herewith respectfully apply to you to remit the forfeiture adjudged against our vessel, the American schooner "San Diego," her tackle, apparel, furniture, and cargo, in the District Court of the United States for the District of Alaska, as appears by the papers on file in the office of the Secretary of the Treasury, which, by reference, are made a part of this Petition.

The offence for which our vessel and cargo were judicially condemned was the killing of fur-seals in the waters of Alaska, contrary to the Statute in such cases made and provided. Remission and pardon are invoked upon the following grounds:—

1. That the offence was not, in fact, committed.
2. That, owing to the distance and inaccessibility of the place of seizure, trial, and condemnation, and the ignorance of the master of said schooner, a fair opportunity did not offer itself to us to make an adequate defence against the condemnation.
3. That although the trial and condemnation were had under a belief shared by all parties to the proceeding that an appeal would lie for either party against the decision of the District Court of Alaska, and although such an appeal was duly taken in our behalf from the Judgment of Condemnation, it now appears exceedingly doubtful whether the Act of May 17, 1884, which organizes a judicial system for the territory of Alaska, permits rights of appeal in any case not strictly criminal.

4. Because the Attorney-General, in opinions rendered to the Secretary of the Treasury under dates of the 19th March and 16th April, 1887, has held that the remissory power conferred upon the Secretary of the Treasury by sundry provisions of the Revised Statutes does not extend to our case.

From the foregoing summary of the grounds of this Petition, it will be seen that we are in danger of being for ever deprived of our property upon a doubtful state of facts without a full though a legal hearing, under an apparently mistaken belief on the part of the trial Judge and Council that means to review the decision of such Judge had been provided, and with no other effectual remedy now left to us than to resort to the constitutional power of the President to grant pardons and remissions.

It has been said by Mr. Attorney-General Cushing (6 Opin., 488), that the power of remission is proper to be exercised in cases where doubtful questions of law are involved, or where parties are so situated that a due process of law cannot or has not been had.

Our case is at least within the spirit of this opinion on both points, firstly, because we had not had, and seemingly cannot have, one fair day in Court, and secondly, because if our vessel had been engaged in killing seals in the waters alleged (a fact which we deny), it would be extremely doubtful if such killing would be an offence against any law of the United States.

Upon this point we refer to the decision of Mr. Secretary Boutwell, of the Treasury

Department, rendered in April 1872, wherein he held that the taking of fur-seals in Behring's Sea was not unlawful unless attempted within a marine league from the shore. We need not remind your Excellency that the same position is held to-day by the Government of the United States in the matter of the Canadian fisheries, and that the three British vessels lately seized and judicially condemned for seal killing in Behring's Sea have been released in obedience to the uniform and unswerving doctrine of our Government upon the question of what constitutes the high seas. When we add that our vessel was seized in the same waters at the same time, and condemned in the same Court upon precisely the same grounds as were these British sealers, recently set free, with title restored to their owners, we believe that we have stated full, sufficient, and reasonable grounds why the repudiated headland doctrine should not lie against us. There is no pretence set up in the evidence submitted on the part of the Government that our vessel was sealing within the 3-mile limit, or was actually caught catching seals within the waters of Behring's Sea. In the case of the "Ocean Spray," reported in 4 Law., p. 105, Judge Deady held that, to constitute a violation of Section 1936, Revised Statutes, under which law our vessel was condemned, there must be an actual killing established.

Permit me to observe that if the forfeiture in our case shall be permitted to stand, the anomalous spectacle is presented that alien persons and foreign vessels are permitted by our Government to pursue an industry and receive the mercy of pardon denied to citizens and vessels of the United States. No such distinction in matter of right and law between aliens and American citizens has ever been drawn by a Federal Administration.

The facts of this case, as shown by the papers in the Treasury Department, which the Secretary of the Treasury has not been permitted to examine by reason of the adverse opinion of the Attorney-General upon the question of his power to remit, are as follows:—

The American schooner "San Diego," of 36 tons burthen, owned by Messrs. L. N. Handy and Co., American citizens and merchants at San Francisco, was cleared at that port for a general hunting and fishing voyage in the North Pacific Ocean, on or about the 28th February, 1886. She commenced seal killing off the Farallone Islands, about 20 miles from the Golden Gate; continuing north, she hunted and fished on that ocean up to Ounalaska Pass, which she entered about the 24th June. Turning westward toward Copper Island, in the Russian waters of Behring's Sea, then heading eastward and south of the Aleutian Group, she made her way into the Pacific Ocean, and sailed eastward till Ounalaska Pass was again sighted. While operating outside this Pass, a coming storm induced the vessel to run through the Pass into Behring's Sea for safety, where she was befogged and without observation for three days. When the fog lifted, she was found to be off Ounalaska Island, 12 or 15 miles from any land. Here she was boarded from the Revenue-cutter "Corwin" [?] 17th July, 1886, and was seized because the boarding officer mistook the purpose of the master's answer, that he had killed a few seals in Behring's Sea; the master referring to some thirty seals taken near Copper Island, in Russian waters, and the boarding officer supposing him to admit that he had been sealing within the water boundary of the United States. The boarding officer was also misled by the presence of skins of recently killed seals on board, the explanation being that some twenty-two sealskins had been taken in the Pacific Ocean, off Ounalaska Pass, before running in for shelter, and had not been salted, because rough weather and fog had prevented the careful process of cleaning, salting, and folding from being carried upon the deck of so small a vessel as the "San Diego."

It appears that the owners of the "San Diego" had expressly instructed the master not to interfere with the privileges of the Alaska Commercial Company, nor violate the law in any particular, and, although we hold that, under the ruling of Mr. Secretary Boutwell, the diplomatic contention of one Government, and the doctrine recognized in the recent release of the British sealing vessels, our vessel might lawfully have taken seals in the very place where the officer found her with fresh sealskins on board, we are obliged to adhere to the contention that she did not take any seals in that place nor anywhere thereabouts, because the evidence shows that not a skin was obtained in the whole of Behring's Sea, except near Copper Island, in the Russian jurisdiction. When discovered by the Revenue-cutter the vessel was entirely inactive, her sealing boats lashed on deck, waiting for an opportunity to get out upon the ocean to continue her business.

It would appear from the testimony of Lieutenant Cantwell, of the Revenue-cutter, that he asked the master of the schooner if he did not know that it was illegal to take seals around here, and he answered that he did not know that it was against the law so long as he kept a marine league from the shore. This answer suggests a possible intention of taking seals in that vicinity if opportunity offered, but the fact is that no seals were taken, nor does it appear that any could have been taken up to the time of the seizure of the vessel if the wish and purpose to take them had existed. It is very evident

from the whole record that we, the present petitioners and sole prospective losers by the seizures of the vessel, never intended nor contemplated the taking of a single sealskin on that voyage in an unlawful or clandestine manner. Having openly cleared our vessel for a hunting voyage in the North Pacific, we knew that, in due course of administration, that fact would reach the Alaska Company, and the Revenue vessels employed for their protection; hence it would be folly on our part to assent beforehand to any dubious or risky transaction by our agent, the master.

Your Excellency will not fail to consider the United States' Attorney-General for Alaska against our application for the restoration of our vessel and cargo. The grounds of his opposition and our answers are as follows:—

1. The finding of the vessel in Behring's Sea, equipped for fishing, with fresh skins on board, together with the admission of the master that a few had been taken in Behring's Sea, raises a presumption against our present evidence that no seals were taken in Behring's Sea except near Copper Island. To this we answer, the vessel was openly fitted and dispatched for seal-fishing; that the fresh skins on board could not reasonably have been cleaned, salted, and packed before seizure, and that the master had reference to his sealing operations near Copper Island when he said he had taken a few seals in Behring's Sea.

2. The District Attorney says that the answer of the master, that he thought seal-fishing lawful outside of a 3-mile limit, raises a presumption that he had been fishing outside, though within the water boundary of the United States; to which we reply that this argument makes for rather than against our present application, because if the master thought he had the right to seal outside the 3-mile limit, his doing so would be innocent, in fact even if illegal at law.

3. Says the District Attorney, the allegation that the vessel was driven through the Pass into Behring's Sea is improbable, and throws suspicion upon the merits of the case.

This unimportant observation doubtless arises from confounding the voluntary passage of the vessel through the Pass to escape a storm, with a supposititious driving of the vessel through the Pass by the wind.

4. Says United States' Attorney that, although the owners of the vessel were represented by Counsel, they did not produce at the judicial hearing the important testimony now offered *ex parte*.

This argument is met by the circumstance that the owners of the vessel had no opportunity to select Counsel for themselves, nor to influence the production of evidence and arguments in their behalf in that distant locality, and hence it would be hard to hold them responsible for a failure to produce evidence at the trial, which they admit the Counsel retained for them by the captain ought to have produced, and for the non-production of which said Counsel have been dropped from the case. The captain who employed the Counsel at Sitka thought his own testimony ought to have been taken, but he did not feel qualified to question the judgment of his attorneys.

5. The District Attorney believes the merits of the case can be better determined on the pending Appeal from the judgment than by an executive proceeding.

This argument is refuted by circumstances that, so far as the Statute Book shows, there is no Court in which the Appeal, taken at large to the Circuit having appellate jurisdiction, can be located or determined.

6. That the power to remit is an extraordinary one, and should be used restrictingly.

This argument of the District Attorney has been long since answered by the Supreme Court, which has said that the laws imposing penalties are not to be construed strictly against persons or property for the benefit of the revenue, and that the laws conferring powers of remission are remedial in their nature, and should be liberally used for the benefit of those who have innocently incurred the sanction of the penal law. (10 Wheaton, 841, *United States v. Morris*, 106.)

In conclusion, we remind your Excellency that no seals were in fact taken in or near the place where the Revenue officer supposed the "San Diego" had been sealing; that, in point of law, no unlawful sealing was done by our vessel; that the British vessels seized at the same time, in the same locality, for the same cause, and judicially condemned to forfeiture in the same Court, by the same Judge, and under the same circumstances as our own, have been released upon the ground of innocency; that without any actual fault of our own, we have, in fact, been deprived of a fair trial in the Court below, and, to all appearances, are left without further judicial remedy; that the remissory powers of the Secretary of the Treasury, by a probable oversight in the Statutes, do not reach our case; that personally we have been free from all evil intent, fault, or negligence throughout; and that while our agent, the master, did not take the seals within the American boundary of Behring's Sea, he might justly have done so in view of the ruling of Mr. Secretary Bout-

well, the diplomatic action of our own Government from the first to the present moment, and the general belief of merchants, lawyers, and all persons interested in the seal fisheries that such fishing is lawful in any part of Behring's Sea, except near the islands of St. Paul, St. George, or within 3 miles of the shore.

Having filed with the Secretary of the Treasury the papers upon which we rely to sustain the position taken therein, and convincing evidence of our good standing as citizens and merchants, we pray your Excellency to take this Petition into prompt and favourable consideration, and release us henceforth from the serious and continuing loss that we have undeservedly suffered, and are suffering, by the seizure and retention of our vessel and cargo, in which no third parties are interested as informers or captors.

Respectfully submitted,

(Signed)

L. N. HANDY AND Co., *Commission Merchants.*

No. 208.

Foreign Office to Colonial Office.

Sir,

Foreign Office, August 17, 1889.

I AM directed by the Marquis of Salisbury to request that you will state to Secretary Lord Knutsford that, in his Lordship's opinion, it is very desirable, pending the receipt of full details in regard to the recent seizure in Behring's Sea by the United States' Revenue-cutter "Rush" of the British vessels "Black Diamond" and "Triumph," that steps should be taken to proceed at once with the appeals to the Supreme Court of the United States in the cases of the British vessels whose sealing operations were stopped under similar circumstances in 1886.

I am to request, therefore, that you will suggest, for Lord Knutsford's consideration, that a telegram should be sent to the Governor-General of Canada to the effect that, it being very unusual to press for diplomatic redress for a private wrong, so long as there is a reasonable chance of obtaining it from the Tribunals of the country under whose jurisdiction the wrong complained of has occurred, Her Majesty's Government consider that they would be in a stronger position for dealing diplomatically with the Behring's Sea cases if appeals on the cases of seizure which took place in 1886 were pushed on.

I am, &c.

(Signed) T. H. SANDERSON.

No. 209.

Mr. Edwardes to the Marquis of Salisbury.—(Received August 19.)

My Lord,

Washington, August 5, 1889.

ON the 1st instant I had the honour to inform your Lordship by telegraph that the newspapers reported the seizure on the 11th ultimo by the United States' Revenue cruiser "Rush" of the British schooner "Black Diamond," sealing in Behring's Sea, being at the time of the seizure 70 miles from land.

It was also reported that another British schooner, the "Triumph," was also boarded by the Captain of the "Rush," but no arrest was made, the seal-skins on board the "Triumph" having been captured in the Pacific, and not in the Behring's Sea.

I have not up to the present date received any official information on the subject. There is, however, no doubt about the truth of the fact that the seizure of a British vessel has been made, and that another British vessel was stopped and searched, both occurrences taking place on the high seas, on the grounds that they had no legal rights to seal-fish in those seas.

The question of the exclusive jurisdiction of the United States over the Behring's Sea is thus reopened, but it does not appear that any new feature in the case has presented itself. However, a novel situation is produced by the fact which is reported, that, after the seizure of the "Black Diamond," one of the crew of the United States' cruiser having been placed on board of her by the Captain of the "Rush," with orders to take her to Sitka, the Captain of the British vessel ignored the instructions of the man in whose charge she was supposed to be, and sailed for Victoria, British Columbia, where she is reported to have arrived safely. Had she gone to Sitka, she would, in all probability, have been declared by the United States' District Court of Alaska a lawful prize. As your Lordship will remember in the case of the British sealers which were seized during

the last two years, and after seizure were condemned by the United States' District Court of Alaska, the United States' Government agreed to release them on their owners giving bond to appeal to a higher Court. Few, if any of them, availed themselves of this permission, and they were ultimately sold by public auction. I have been given reason to believe by a lawyer of some standing in this city, that through some defect in the legislation affecting the territory of Alaska, the only appeal that could have been made in the matter would have been to the Supreme Court of the United States.

I cannot anticipate that the United States' Government would try and justify before that Court the seizures by a pretension that the Behring's Sea is not an open sea. However much their action and the action of Congress may appear to put forward and maintain such a pretension, it is the general opinion that the Supreme Court would not hesitate to pronounce itself against it.

On what the United States' Government would base their claim to exclusive seal-fishing rights in the Behring's Sea it is difficult to foresee, but in conversation a short time ago with a politician of very high standing under the late Administration, I learnt that the following argument has been brought forward and used by one or more of the most prominent lawyers in the Houses of Congress. They maintain that the "seal nation" in those seas has its domicile, breeding-grounds, &c., on United States' territory, where it is carefully preserved and protected by United States' law, and consequently they do not admit that the seal loses its nationality when its habits cause it to temporarily absent itself from its home.

From what I gathered from the gentlemen above referred to, I feel confident that this was one of the chief arguments which might have been used by the United States' Government had the matter been brought up to the Supreme Court during the time that the late Administration was in power.

I have, &c.

(Signed) H. G. EDWARDES.

No. 210.

Colonial Office to Foreign Office.—(Received August 20.)

Sir,

Downing Street, August 19, 1889.

WITH reference to your letter of the 17th instant, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a telegram which has been addressed to the Governor-General of Canada in connection with the Behring's Sea seizures in 1886.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure in No. 210.

Lord Knutsford to Lord Stanley of Preston.

(Telegraphic.)

Colonial Office, August 18, 1889.

IT is very unusual to press for diplomatic redress for a private wrong as long as there is a reasonable chance of obtaining it from the Tribunals of the country.

Her Majesty's Government consider that they would be in stronger position for dealing diplomatically with Behring's Sea cases if appeals on 1886 seizures were pushed on.

No. 211.

Colonial Office to Foreign Office.—(Received August 21.)

Sir,

Downing Street, August 20, 1889.

WITH reference to previous correspondence I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, with its inclosures, containing information respecting the recent seizure of the schooner "Black Diamond" and the detention of the schooner "Triumph" in Behring's Sea.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 211.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

Citadel, Quebec, August 8, 1889.

IN transmitting to your Lordship such information as I have been able to procure up to the present time respecting the recent seizure of the schooner "Black Diamond," and the detention of the schooner "Triumph," in Behring's Sea, I deem it my duty to bring to your notice the very strong feeling which is arising throughout the Dominion consequent upon the continued seizures of Canadian vessels upon the open sea, and their condemnation in the United States' Courts of law.

A sense of irritation is growing up in the public mind not only against the Government of the United States, but against the Imperial Government, which may at any moment result in serious trouble, and there is reason to apprehend that, if the supposed inaction of the Home Government continues, the sealers may be driven to armed resistance in defence of what they believe to be their lawful calling, and it would be difficult, if not impossible, for the Dominion Government to prevent such a state of affairs.

I had the honour recently to inclose to your Lordship a Minute of the Privy Council containing a very full recital of the past history of the so-called Behring's Sea question, and I must express the earnest hope that your Lordship will move the Foreign Office to take such steps as may tend to an early settlement.

Up to the present time there has been every disposition on the part of the Canadian people to rely on the maintenance by the Imperial Government of the international rights which the Foreign Office is charged with the duty of protecting, and if the question of the free navigation of the North Pacific (or Behring's Sea) were fully maintained, I do not think that any reasonable measures which could be proposed for the protection of the (so-called) seal fishery would meet with a refusal here.

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 211.

Lieutenant-Colonel John Tilton to Sir John Macdonald.

(Telegraphic.)

Victoria, July 30, 1889.

SIR JOHN THOMPSON requests that the following telegram, just received, addressed to Honourable Mr. Tupper from Victoria, signed E. Crow Baker, may be repeated to you:—

"British schooner 'Triumph' arrived yesterday evening from Behring's Sea. Master reports seizure of British schooner 'Black Diamond' with catch of sealskins by American Revenue-cruizer 'Rush,' 70 miles off land. Boarding officer informed master that all vessels found with President's Proclamation and recent instructions (*sic*) issued by Secretary of Treasury (*sic*). 'Triumph' had no skins on board, and therefore escaped immediate confiscation. Is it not possible to afford protection to some twenty Canadian schooners still there prosecuting their legitimate business, and liable to immediate seizure if not already seized? Steamer 'Sardonyx' leaves with coal for British war-ships now at Port Simpson on Thursday next. Please reply immediately what steps Federal Government will now take in the matter. Meeting to-day of those interested, who strongly urge this message. Senator Macdonald of Toronto heartily endorses action of owners here. In meantime sealing business interests completely paralyzed."

Inclosure 3 in No. 211.

Extract from the "Ottawa Evening Journal," of July 31, 1889.

THE SEALER SEIZURE.

San Francisco, Cala, July 30.—The steamer "Dora," from Behring's Sea, brings the first detailed news of the capture of the British sealer "Black Diamond," by the United States Revenue-cutter "Richard Rush," on the 11th July. The "Rush" overtook the "Black Diamond" and ordered her to heave-to. The captain of the "Black Diamond" refused. Thereupon the commander of the "Rush" ordered a lowering of ports and

running out of guns, which caused the steamer to heave-to. Captain Shepard and Lieutenant Tuttle boarded the English craft and asked for her papers. The officers of the "Black Diamond" offered no armed resistance, but refused to deliver the papers. Captain Shepard at once broke open the cabin, and forced the hinges off the strong box and the captain's chest, thereby securing the papers. A search of the vessel disclosed 10,000 sealskins, which had been taken in Behring's Sea. Captain Shepard placed a non-commissioned officer from the "Rush" in charge of the "Black Diamond," and ordered the vessel to be taken to Sitka to await further instructions. The captain of the "Black Diamond" stated that when in Victoria he had been ordered to pay no attention in case he was overtaken by the "Rush" and requested to heave-to. He said he would not have surrendered if the "Rush" had had an inferior force to his own. On the 1st July the schooner "Triumph" was also boarded by Captain Shepard, but no arrest was made, the skins on board having been captured in the Pacific. A passenger who arrived on the "Dora" said: "On our way down from St. Paul's Island we saw six sealers and the "Rush" pursuing. Undoubtedly by this time the "Rush" has made additional captures."

Captain Shepard's Report.

Washington, July 30.—A telegram from Captain Shepard, commanding the Revenue-steamer "Rush," says he seized the "Black Diamond" for violation of section 1956 of the revised statutes. This section was incorporated in the President's Proclamation of the 21st March, on the subject of seal fisheries. It forbids the killing, by unauthorized persons, of seal and other fur-bearing animals within the limits of Alaska or in the waters thereof. The penalty provided is a fine of from 200 dollars to 1,000 dollars, or imprisonment for not exceeding six months, or both, and the forfeiture of the vessels violating the law.

Inclosure 4 in No. 211.

Extract from the "Ottawa Citizen" of August 3, 1889.

BEHRING'S SEA TROUBLES.

(By telegraph to the "Citizen.")

Washington, 2nd.—The seizure of the British sealing-vessel "Black Diamond" by the Revenue-cutter "Rush" is believed to be the beginning of a series of seizures which must lead to some definite understanding between the United States and Great Britain on the subject. Great Britain has emphatically expressed the opinion that the United States' Government has no jurisdiction over the Behring's Sea outside the 3-mile limit. Our Government proceeds on the assumption that it has a right to protect the seal in any part of the Behring's Sea, although the State Department has never stated that assumption in direct terms, and all its official utterances on the subject carry the conviction of the Department's consciousness of inability to establish the claim on the basis of any Treaty agreement or international law. Even the Acts of Congress do not anywhere assert a claim over the whole of Behring's Sea, but only over Alaskan waters or the waters adjacent to Alaska and to our islands in Behring's Sea. Indeed, the one plea upon which the United States' Government captures sealing-vessels all over the thousands of miles of water within Behring's Sea is that the welfare of mankind requires that the seal shall be protected from poachers. The English Government agrees that the seal should be carefully protected and preserved, but contends that it has a right to be consulted as to the method of protecting the seal on the open sea.

The United States' Government is unwilling to take other Governments into partnership in the business, because the seal really belongs to the Pribylov Islands, although it sometimes strays to distant waters to spend the winter. Nevertheless, when it comes to a crisis, this Government will probably have to admit that it has no right to say, independent of other nations, that seal shall not be taken 200 or 300 miles from shore. It would not be surprising if some serious collisions should occur between the seal-hunters and our Revenue-cutters. The sealers are out in numbers, and the seizures that are sure to be made this summer must bring things to a crisis and lead to a settlement of right in the matter. Sir Julian Pauncefoot will have big business to attend to when he returns to Washington. He will doubtless bring back with him some urgent representations from

Lord Salisbury. Sir Julian said before sailing for England that up to that time the subject had not been talked of at all between himself and the State Department here.

The seizure and search of the "Triumph," which was afterwards released because no sealskins were found on board, may be a more serious matter than the seizure of the "Black Diamond," for it involved the right of the United States to seize and search suspected vessels outside of what are conceded to be the limits of the jurisdiction of the United States.

Bangor, Me., 1st.—Secretary Blaine passed through this city this evening en route to Bar Harbour. A reporter called his attention to a declaration in a Boston paper that it would be impossible for the national Government to "sustain the pretension of Secretary Blaine that Behring's Sea is distinctly American water." The Secretary of State simply remarked that it might be well for the paper in question to indicate the occasion, official or unofficial, where he said anything at all on that point. Mr. Blaine added that everything done on the fur-seal question since the 4th of last March was in literal compliance with the directions contained in the Act of Congress which was approved by President Cleveland on the last day of his term.

Inclosure 5 in No. 211.

Extract from the "Ottawa Citizen" of August 6, 1889.

Victoria, B.C., 5th.—The most astonishing thing that has happened here since the foundation of the town was the arrival in the harbour yesterday of the "Black Diamond." Captain Thomas, which, on the 11th July last, was seized by the American Revenue-cutter "Rush," for the alleged illegal capture of seals in Behring's Sea. Captain Thomas, the moment he stepped ashore, was met by the owners of the schooner, and to them he reported the facts connected with the interruption of his vessel's sealing trip. He sighted the Revenue-cutter "Rush" on the 11th July, 5 miles away. He was catching seals at the time, and was 70 miles off shore. He immediately made sail, intending to elude the cutter and avoid any possible trouble. The wind, unfortunately, was rather light, and the "Rush's" engines enabled her, inside of an hour, to overhaul the "Black Diamond." The Commander of the "Rush" at first signalled the schooner to heave to, but no attention being paid to the order by Captain Thomas, the "Rush" steamed almost alongside, her Commander shouting out his order for her to lay to. This he did three times, but Captain Thomas still paying no attention to him, he steamed ahead of the "Black Diamond" and lay across her bows, compelling Captain Thomas to haul his vessel up sharply and lay to.

Then Lieutenant Tuttle, three other officers, and two boat-loads of Yankee sailors came aboard and began making an examination of the "Black Diamond" hold. Captain Thomas demanded an explanation, when Lieutenant Tuttle informed him that his vessel was under seizure for the illegal catching of seals, and demanding the "Black Diamond's" papers. Captain Thomas indignantly repudiated the charge that he was acting illegally, and refused to give up his papers. Lieutenant Tuttle argued, demanded, and threatened, and finally, after three distinct, emphatic refusals on Captain Thomas' part, ordered his seamen to break open the cabin lockers and find what the Captain refused to give up. The papers were found, and Lieutenant Tuttle took possession of them, refusing to Captain Thomas' repeated demands to return them. An American sailor named John Hawkins was then left aboard by the Commander of the "Rush," who informed Captain Thomas that he and his mate were under arrest, that the schooner was to be taken to Sitka, that the crew were not to be detained; but that the vessel was to be delivered over to the United States' Collector of the Port of Sitka, who would take whatever further action should be thought necessary by the American authorities. Written instructions to this effect were given to Hawkins, and, after a thorough search of the schooner, Lieutenant Tuttle, with his officers and men, departed, and shortly afterward the "Rush" steamed off toward some other vessels in sight. Captain Thomas said nothing to Hawkins, but putting up the port helm headed toward the Alaskan shore. Four days later the "Rush" was passed by the "Black Diamond," but did not hail her; the schooner was headed in the proper direction, and there was no necessity for speaking to each other. But the next day the "Black Diamond" reached the harbour of Ounalaska, in the island of that name, forming one of the Fox Islands in the Aleutian group, and went inside in the hope of finding there an English man-of-war. The place was deserted however, except by natives, so Captain Thomas, without any ado, turned his vessel about, heading for the passage leading into the Pacific Ocean, and, reaching that, headed straight for Victoria, where he arrived as described

above. Captain Thomas said he wasn't going to let any one Yankee sailor take him captive into Sitka, and, as seaman Hawkins appears to have had very little to say about the matter after the "Rush" departed, the Canadian kept his determination.

There was no violence on the "Black Diamond." Hawkins, as soon as he saw that Captain Thomas didn't intend to sail the schooner into Sitka, seems to have made some sort of a protest, ineffectual, of course, and then settled down to a realization of the truth of saying that "there's many a slip 'twixt the cup and the lip." He was quite hopeful, when he came ashore to-day, that he wouldn't be swung from a yard arm for not obeying orders. In the face of his predicament he was in fact remarkably cheerful. He proceeded at once to the American Consulate, where, handing over his instructions to the United States' Consul, he made a statement of what happened, as he saw it, since the "Rush" parted with him. His history of the affair has been telegraphed to the authorities at Washington. The utmost satisfaction is felt here at the escape of the "Black Diamond," particularly among the sealers and the owners of sealing-vessels, and Captain Thomas is being made a lion of for his conduct in the matter.

Inclosure 6 in No. 211.

Extract from the "Ottawa Citizen" of August 6, 1889.

IS IT A BACKDOWN?

Washington, District of Columbia, 5th August.—[Special.]—In some quarters the running away of the "Black Diamond" is looked upon as nothing more or less than a surrender of the position taken by the United States on the Behring's Sea question. It was so stated this morning by an ex-official of the Government, and, upon my asking for his reason for such a view, he simply referred to the course pursued by the Treasury and State Departments in 1888 as a sufficient answer. According to his theory, the seizure of the "Black Diamond" was all for effect, and her arrival at a British port was nothing more nor less than what was expected. The Treasury people with whom I conversed on the subject scouted this position as most absurd. They state that Captain Shepard was carrying out his instructions, and would never have seized the "Black Diamond" unless he was convinced that the laws of this Government on the fur-seal matter had been openly and unquestionably violated. Full particulars by mail are to reach the Treasury Department not later than Wednesday next. Captain Shepard will explain the seizure of the "Black Diamond," and this, the Treasury people say, will fully explain his action on breaking open the cabin and taking possession of the ship's papers. The action of Captain Shepard has given rise to considerable comment in official circles. One of the gentlemen with whom I talked, and who is well informed, said the "Black Diamond" will be seized the first time she appears in American water for this same offence, but it will be a long time before the opportunity for such a seizure occurs, and there is no law by which the case can be reached otherwise. The vessel was seized and got away, and that is the whole story in a nut shell. The British Chargé d'Affaires has not received any information as yet regarding this new development in Behring's Sea.

Inclosure 7 in No. 211.

Extract from the "Toronto Globe" of August 1, 1889.

MORE DETAILS.

Victoria, British Columbia, 31st July.—Captain McLean, of the British sealer "Triumph," which has arrived here from Behring's Sea, is reticent about affairs in the north. It is stated by others on the vessel, however, that when the "Triumph" was sighted by the "Rush" there were thirty seals dead lying on the "Triumph's" deck. These are hurriedly skinned, and the pelts hidden among a large quantity of salt. This salt also formed a heavy coating to about 800 sealskins which lay in the bottom of the schooner. Lieutenant Tuttle made an examination, but seeing nothing but salt departed. The men on the "Triumph" say that Captain Dodd, of the "Mac," had said he would fire on any American officers attempting to board his vessel. Lieutenant Tuttle told Captain McLean he had seen five schooners entering Behring's Sea on the 4th July, viz., "Maggie Mac," "Triumph," "Mary Ellen," "Lillie L.," and "Black Diamond." The

latter was captured, but the fate of the others is unknown. The "Corona" arrived to-day. Captain Carroll says when he left Juneau, Wednesday, the British men-of-war "Swiftsure," "Icarus," and "Amphion" were there; they left for Port Simpson on the following day. The "Corona" heard nothing of the seizures.

A number of prominent sealing men waited on the Captain of the British man-of-war "Champion," which sailed to-day for the north to join the fleet, and gave him full particulars in writing. He will convey them personally to Admiral Heneage. A deputation also waited on the Honourable John Robinson, Provincial Secretary; he has telegraphed to Ottawa demanding protection of the Imperial Government. Telegrams also have been sent by the most prominent public men of the province. The action of the Imperial Government is anxiously awaited.

No. 212.

The Marquis of Salisbury to Mr. Edwardes.—(Substance telegraphed.)

Sir, *Foreign Office, August 22, 1889.*
HER Majesty's Government are in receipt of repeated rumours that British vessels have been searched and even seized in Behring's Sea, outside the 3-mile distance from any land.

No official confirmation of these rumours has yet reached Her Majesty's Government, but they appear to be authentic.

I have to instruct you to inquire of the United States' Government whether any similar information has reached them.

You will also request that stringent instructions may be issued as soon as practicable to the officials of the United States to prevent the possible recurrence of such incidents.

I am, &c.
(Signed) SALISBURY.

No. 213.

The Marquis of Salisbury to Mr. Edwardes.—(Substance telegraphed.)

Sir, *Foreign Office, August 22, 1889.*
WHEN you make the communication to Mr. Blaine, as instructed in my previous despatch of this day's date, relative to the recent seizures of British vessels in Behring's Sea, I should wish you to remind him that clear though unofficial assurances were given last year by Mr. Bayard that, pending the general discussion of the questions at issue between Her Majesty's Government and that of the United States, no further interference should take place with British ships in Behring's Sea at a distance from the shore.

You will find the record of such an assurance conveyed to me through Mr. Phelps in my despatch to Sir L. West of the 3rd April, 1888, and Sir C. Tupper informs me that Mr. Bayard gave personally similar assurances to him and the other members of the Commission sent to Washington.

Sir J. Pauncefoot will be prepared to discuss the whole question when he returns to Washington in the autumn; but you should point out that a settlement will only be hindered should the United States' authorities resort to measures of force against British ships beyond the 3-mile limit, against which Her Majesty's Government must necessarily protest as contrary to the principle of international law, which the United States have not only acknowledged, but have themselves firmly and publicly maintained.

I am, &c.
(Signed) SALISBURY.

No. 214.

Mr. Edwardes to the Marquis of Salisbury.—(Received by telegraph, August 26.)

My Lord, *Newport, August 26, 1889.*
I HAD the honour to receive on the 23rd instant your Lordship's two telegrams of the 22nd ultimo, instructing me to inform the Secretary of State that repeated rumours had of late reached Her Majesty's Government that United States' cruisers have stopped,

searched, and even seized British vessels in Behring's Sea outside the 3-mile limit from the nearest land: that although no official confirmation of these rumours had reached Her Majesty's Government, there did not appear to be any reason to doubt their authenticity.

Your Lordship desired me at the same time to inquire whether the United States' Government were in possession of similar information, and to ask that stringent instructions should be sent at the earliest moment, with the view to prevent the possibility of such occurrences taking place.

In speaking to Mr. Blaine on the above subject, your Lordship instructed me to remind him that Her Majesty's Government had received last year very clear assurances from Mr. Bayard, at that time Secretary of State, that, pending the discussion of the general questions at issue, no further interference should take place with British vessels in Behring's Sea, and, in conclusion, to state that Sir J. Pauncefote would be prepared, on his return to Washington in the autumn, to discuss the whole question, adding that Her Majesty's Government wished to point out that a settlement could not but be hindered by measures of force on the part of the United States.

I accordingly left at once for Bar Harbour (Maine), where Mr. Blaine has been passing the summer, and on the morning of the 24th instant I called on him, and made a communication to him in the above sense.

Mr. Blaine at once asked me to address to him a note containing the substance of your Lordship's instructions. He said that he was unable to give a reply until he had consulted with the President, but he promised that I should receive one to the note I was to address to him at a very early date.

All that he could say to me then was that similar rumours had reached the United States' Government, which were probably authentic, although no official confirmation had been given to them, and he could say to me, in further reply to my communication, that he was of opinion that there was little divergence in the views of the two Governments on the points at issue.

On the termination of my interview with Mr. Blaine, I dispatched to your Lordship a telegram informing you of what had taken place, and then, in accordance with Mr. Blaine's request, I addressed to him a note, a copy of which I have the honour to inclose.

In the afternoon of the same day I met Mr. Blaine, and he told me that he had addressed a letter to me containing the reply he had made to me earlier in the day. I had the honour to forward to your Lordship by telegraph the substance of this reply, a copy of which is herewith inclosed.

This reply, as your Lordship will see, commences by saying that rumours of the search and seizure of British vessels in Behring's Sea by United States' cruisers have reached the United States' Government, and that although no official confirmation of those rumours has been received by them, they appear to be based on truth.

Mr. Blaine then goes on to say that it has been and is the earnest desire of the President of the United States to have such an adjustment as shall remove all possible ground of misunderstanding with Her Majesty's Government concerning the existing troubles in the Behring's Sea, and that the President believes that the responsibility for delay in that adjustment cannot be properly charged to the Government of the United States, and he begs me to express to your Lordship the gratification with which the Government of the United States hears that Sir J. Pauncefote will be prepared on his return to Washington in the autumn to discuss the whole question.

Mr. Blaine concludes his letter by saying that he has pleasure in assuring me that the Government of the United States will endeavour to be prepared for the discussion, and that, in the opinion of the President, the points at issue between the two Governments are capable of prompt adjustment on a basis entirely honourable to both.

I acknowledged Mr. Blaine's letter in a note, a copy of which is herewith inclosed (Inclosure No. 3), informing him that I should lose no time in bringing his reply to the knowledge of Her Majesty's Government, who, while awaiting an answer to the other inquiries I had the honour to make to him, would, I felt confident, receive with much satisfaction the assurances which he had been good enough to offer to me.

I have, &c.

(Signed) H. G. EDWARDES.

Inclosure 1 in No. 214.

Mr. Edwardes to Mr. Blaine.

Sir,

Bar Harbour, August 24, 1889.

IN accordance with instructions which I have received from Her Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to state to you that repeated rumours have of late reached Her Majesty's Government that United States' cruisers have stopped, searched, and even seized British vessels in Behring's Sea outside the 3-mile limit from the nearest land.

Although no official confirmation of these rumours has reached Her Majesty's Government, there appears to be no reason to doubt their authenticity. I am desired by the Marquis of Salisbury to inquire whether the United States' Government are in possession of similar information, and further to ask that stringent instructions may be sent by the United States' Government at the earliest moment to their officers, with the view to prevent the possibility of such occurrences taking place.

In continuation of my instructions, I have the honour to remind you that Her Majesty's Government received very clear assurances last year from Mr. Bayard, then Secretary of State, that pending the discussion of the general questions at issue, no further interference should take place with British vessels in Behring's Sea.

In conclusion, the Marquis of Salisbury desires me to say that Sir Julian Pauncefote, Her Majesty's Minister, will be prepared, on his return to Washington in the autumn, to discuss the whole question, and Her Majesty's Government wish to point out to the United States' Government that a settlement cannot but be hindered by any means of force which may be resorted to by the United States' Government.

I have, &c.

(Signed) H. G. EDWARDES.

Inclosure 2 in No. 214.

Mr. Blaine to Mr. Edwardes.

Sir,

Bar Harbour, Maine, August 24, 1889.

I HAVE the honour to acknowledge the receipt of your letter of this date, conveying to me the intelligence "that repeated rumours have of late reached Her Majesty's Government that the United States' cruisers have stopped, searched, and even seized British vessels in Behring's Sea outside the 3-mile limit from the nearest land."

And you add that, "although no official confirmation of these rumours has reached Her Majesty's Government, there appears to be no reason to doubt their authenticity."

In reply, I have the honour to state that the same rumours, probably based on truth, have reached the Government of the United States, but that up to this date there has been no official communication received on the subject.

It has been, and is, the earnest desire of the President of the United States to have such an adjustment as shall remove all possible ground of misunderstanding with Her Majesty's Government concerning the existing troubles in Behring's Sea, and the President believes that the responsibility for delay in that adjustment cannot be properly charged to the Government of the United States.

I beg you will express to the Marquis of Salisbury the gratification with which the Government of the United States learns that Sir J. Pauncefote, Her Majesty's Minister, will be prepared, on his return to Washington in the autumn, to discuss the whole question. It gives me pleasure to assure you that the Government of the United States will endeavour to be prepared for the discussion, and that, in the opinion of the President, the points at issue between the two Governments are capable of prompt adjustment on a basis entirely honourable to both.

I have, &c.

(Signed) J. G. BLAINE.

Mr. Edwardes to Mr. Blaine.

Sir,

Bar Harbour, August 25, 1889.

I HAD the honour to receive yesterday your note, in which you have been good enough to inform me, with respect to the repeated rumours which have of late reached Her Majesty's Government of the search and seizure of British vessels in Behring's Sea by United States' cruisers, that the same rumours, probably based on truth, have reached the United States' Government, but that up to this date there has been no official communication received on the subject.

At the same time, you have done me the honour to inform me that it has been, and is, the earnest desire of the President of the United States to have such an adjustment as shall remove all possible ground of misunderstanding with Her Majesty's Government concerning the existing troubles in Behring's Sea, and that the President believes that the responsibility for delay in that adjustment cannot be properly charged to the Government of the United States.

You request me at the same time to express to the Marquis of Salisbury the gratification with which the Government of the United States learns that Sir J. Pauncefote, Her Majesty's Minister, will be prepared, on his return to Washington in the autumn, to discuss the whole question, and you are good enough to inform me of the pleasure you have in assuring me that the Government of the United States will endeavour to be prepared for the discussion, and that, in the opinion of the President, the points at issue between the two Governments are capable of prompt adjustment on a basis entirely honourable to both.

I shall lose no time in bringing your reply to the knowledge of Her Majesty's Government, who, while awaiting an answer to the other inquiries I have had the honour to make to you, will, I feel confident, receive with much satisfaction the assurances which you have been good enough to make to me in your note of yesterday's date.

I have, &c.

(Signed) H. G. EDWARDES.

No. 215.

Colonial Office to Foreign Office.—(Received August 29.)

Sir,

Downing Street, August 29, 1889.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, with a Report of the Committee of Privy Council of the Dominion, with telegrams from Mr. Baker and the Collector of Customs at Victoria, respecting the seizure of the "Black Diamond" and the "Triumph" by the United States' Revenue-cutter "Richard Rush."

I am to request to be informed what answer Lord Salisbury would propose should be returned to this despatch.

I am, &c.

(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 215.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

Citadel, Quebec, August 9, 1889.

I HAVE the honour to transmit to your Lordship a copy of an approved Report of a Committee of the Privy Council, submitting telegrams dated the 30th ultimo, from E. C. Baker, Esq., M.P., and the Collector of Customs at Victoria, British Columbia, with reference to the seizure in Behring's Sea, 70 miles from land, of the British sealing-schooner "Black Diamond," with her cargo of sealskins, and to the searching in these waters, in the same locality, of the British schooner "Triumph," by the United States' Revenue-cutter "Richard Rush," and requesting that the attention of Her Majesty's Government be invited thereto, with the earnest hope that an early assurance will be given

that British subjects peacefully pursuing their lawful occupations on the high seas will be protected.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 215.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, August 2, 1889.

ON a Report, dated the 31st July, 1889, from the Minister of Marine and Fisheries, submitting telegrams dated the 30th ultimo, from E. C. Baker, Esq., M.P., and the Collector of Customs at Victoria, British Columbia, with reference to the seizure in the Behring's Sea, 70 miles from land, of the British sealing-schooner "Black Diamond," with her cargo of sealskins, and to the searching in these waters, in the same locality, of the British schooner "Triumph," by the United States' Revenue-cutter "Richard Rush," the Master of the "Triumph" being informed that immunity from the seizure of his vessel was due solely to the fact that she had no sealskins on board.

The Minister represents that four years have elapsed since the seizure of British sealing-vessels was commenced by the United States' authorities in the Behring's Sea, and the strong representations of Her Majesty's Ministers to the United States have only resulted in a continuance of the policy, and a declaration that such policy will be systematically pursued.

The Committee advise that copies of the annexed telegrams be transmitted to the Right Honourable the Secretary of State for the Colonies, with the request that the attention of Her Majesty's Government be invited thereto, and with the earnest hope that an early assurance will be given that British subjects peacefully pursuing their lawful occupations on the high seas will be protected.

All of which is respectfully submitted for approval.

(Signed) JOHN J. McGEE, Clerk, Privy Council.

Inclosure 3 in No. 215.

Mr. Crow Baker to the Minister of Marine and Fisheries, Ottawa.

[See Inclosure 2 in No. 211.]

Inclosure 4 in No. 215.

Mr. Hambly to the Hon. M. Bowell.

(Telegraphic.)

SCHOONER "Triumph" searched by officer of United States' Revenue-cutter the 11th July in Behring's Sea. No skins. Vessel released. Officer told Master that same day "Black Diamond," having skins, was seized. Both vessels 70 miles from land. Officer said orders were to seize every vessel, British or American, with skins on board.

No. 216.

Colonial Office to Foreign Office.—(Received September 2.)

Sir,

Downing Street, September 2, 1889.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a telegram which has been sent to the Governor-General of Canada respecting the Behring's Sea difficulties.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 216.

Lord Knutsford to Lord Stanley of Preston.

(Telegraphic.)

Downing Street, August 31, 1889.

SEIZURES of British vessels in Behring's Sea. Her Majesty's Chargé d'Affaires at Washington reports United States' Government have no information beyond what we have.

Mr. Blaine asked that the substance of Lord Salisbury's instructions might be embodied in a note, and promised early reply. He said it was necessary first to consult President. He apprehended no serious divergence between two Governments, and expressed his own very sincere desire for a joint settlement of Fisheries and Behring's Sea questions, and dwelt on very friendly feelings of President Harrison's Administration.

In a further telegram substance of Mr. Blaine's letter is given, saying that the same rumours, probably authentic, had reached his Government, but have not been confirmed officially. The letter expresses the earnest desire of the President for an adjustment removing all possible ground for misunderstanding concerning the troubles in Behring's Sea, and satisfaction at learning that Sir J. Pauncefote will discuss question on his return.

United States' Government will prepare for discussion, and President thinks points at issue are capable of prompt adjustment on basis honourable to both Governments.

A third telegram states that Mr. Blaine had promised a very early reply whether instructions would be sent to Alaska in order to prevent possible recurrence of such incidents.

No. 217.

Foreign Office to Colonial Office.

Sir,

Foreign Office, September 2, 1889.

I HAVE laid before the Marquis of Salisbury your letter of the 29th ultimo, forwarding a despatch from the Governor-General of Canada and a Report of the Committee of the Canadian Privy Council on the action of the United States' Revenue-cutter "Richard Rush" in seizing the British sealing-vessel "Black Diamond," and searching another vessel, the "Triumph," in the waters of Behring's Sea.

In reply to your inquiry as to the answer to be returned to this despatch, I am directed by his Lordship to suggest that Lord Stanley should be informed that Her Majesty's Government are in communication with that of the United States with the object of procuring instructions which will prevent any further seizures.

I am, at the same time, to request that you will point out to Secretary Lord Knutsford that as yet no authentic and detailed information has reached this Department as to the circumstances attending the seizure and searching of these or other British vessels by the United States' authorities during the present fishing season.

I am, &c.

(Signed) T. H. SANDERSON.

No. 218.

Colonial Office to Foreign Office.—(Received September 3.)

Sir,

Downing Street, September 3, 1889.

WITH reference to previous correspondence, and particularly to the letter from this Department of the 29th ultimo, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a further despatch from the Governor-General of Canada, containing with other inclosures a cutting from a local newspaper respecting the searching of the "Triumph," and a telegram from the Collector of Customs at Victoria in connection with the arrival of the "Black Diamond" at that port.

I am to request that the inclosures to Lord Stanley's despatch may be returned to this Department when done with.

I am, &c.

(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 218.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

Citadel, Quebec, August 15, 1889.

WITH reference to my despatch of the 9th instant, I have the honour to transmit to your Lordship a copy of an approved Minute of the Privy Council, submitting a copy of a despatch from the Lieutenant-Governor of British Columbia, together with a cutting from the "Colonist" containing Captain McLean's statement of the circumstances under which his vessel, the "Triumph," was searched, and also a copy of a telegram from the Collector of Customs at Victoria, giving information as to the arrival of the seized schooner "Black Diamond" at that port.

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 218.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, on the 11th August, 1889.

THE Committee of Council have had under consideration a despatch, dated the 30th July, 1889, from the Lieutenant-Governor of British Columbia, respecting the seizure of the British schooner "Black Diamond" by the United States' cutter "Richard Rush," 70 miles from land, and transmitting a cutting from the "Colonist," a British Columbia newspaper, containing Captain McLean's statement of the circumstances under which his vessel, the "Triumph," was searched, and also a telegram from the Collector of Customs at Victoria, giving information as to the arrival of the seized schooner "Black Diamond" at Victoria.

The Committee advise that copies of these communications be transmitted to the Right Honourable the Secretary of State for the Colonies, for the information of Her Majesty's Government.

All which is respectfully submitted for approval.

(Signed)

JOHN J. MCGEE,
Clerk, Privy Council.

Inclosure 3 in No. 218.

Lieutenant-Governor Nelson to the Secretary of State, Ottawa.

Sir,

Government House, Victoria, July 30, 1889.

I HAVE the honour to inform you that Captain McLean, of the sealing-schooner "Triumph," just arrived from Behring's Sea, has brought news of the seizure of the British schooner "Black Diamond" by the United States' cruiser "Rush" for sealing in that sea. I inclose cutting taken from the "Colonist" newspaper, giving an account of Captain McLean's statement.

I have, &c.

(Signed) HUGH NELSON.

Inclosure 4 in No. 218.

Extract from the "Colonist."

THE SEALING-SCHOONER "BLACK DIAMOND" SEIZED BY THE REVENUE-CUTTER "RUSH," AND DISPATCHED TO SITKA.—Sunday evening considerable excitement was caused in the city, more especially in commercial circles, when it became known that the sealing-schooner "Triumph" had arrived in harbour, bringing with her the news of the capture of the schooner "Black Diamond," and her own narrow escape from the same fate. The particulars of the case are as follows:—

At about 6 o'clock on the evening of the 11th July a steamer was sighted from the deck of the "Triumph," and Captain McLean at once concluded that the vessel was a United States' cutter, either the "Bear" or the "Rush." The exact locality of his

schooner at the time Captain McLean did not know, but, as nearly as he could judge, he was 100 miles to the westward of St. George's Islands, in Behring's Sea. The steamer followed in his wake for two hours, and at dusk came alongside and ordered him to heave to. He at [?] obeyed the order, and a boat's crew, with the Chief Officer of the "Rush" (Mr. Tuttle), boarded her. The captain stood at the gangway, and asked the officer his reasons for boarding the schooner. The answer was the production of written orders authorizing "the capture of any vessels illegally sealing in Behring's Sea."

He then asked to be allowed to search the ship, and on permission being accorded him he spent over half-an-hour with his men in overhauling the vessel. No find rewarded his search, however, the whole of the skins aboard having been dexterously hidden in time to avoid detection. When the search was concluded the officer turned to Captain McLean, and, after expressing his pleasure at not being under necessity to seize his vessel, informed him that a few hours before, the "Rush" had come up with and boarded the schooner "Black Diamond." He had found aboard her 104 sealskins, and on discovering these had put the second officer in charge, and dispatched the captured sealer to Sitka. He also stated that it was the intention of his Commander to capture every vessel illegally sealing in Behring's Sea, and send them to American ports in charge of American officers.

He then ordered his crew to return to the "Rush," and, as soon as they were aboard the steamer, headed full speed away to the west.

At the time of boarding, the "Triumph" had aboard her about 300 skins.

The "Black Diamond" is owned by Messrs. Guttman and Frank, of this city.

Yesterday morning, when the facts of the case became generally known, Captain Cox, Mr. H. Saunders, and Mr. W. Munsie formed themselves into a deputation, and decided to leave for Esquimalt immediately, and interview the captain of the "Champion" on the subject. Commander Sinclair received the deputation very courteously, and, on learning the object of their visit, ordered his secretary to take down all the statements made. The facts of the case were then put before him, and the visitors protested against the menace to the sealing industry by the acts of the United States' Revenue-cutter. It was represented that out of fifty-five sealing-schooners that have entered Behring's Sea this season twenty-four belong to Victoria, and that if the acts of the American Government were not speedily put a stop to, the sealing industry of Victoria would be ruined.

All the members of the deputation signed the statement, and Commander Sinclair told them that, although he could do nothing himself, he would lay everything before the Admiral as soon as he joined the fleet. He further advised them to collect all other available information on the subject and dispatch it to Admiral Heneage by the steam-ship "Sardonyx," which sails on Thursday next for Port Simpson.

On arrival in the city the deputation was joined by Mr. Richard Hall and Captain Grant. Senator Macdonald, of Toronto, was then interviewed at the Driard, and at once threw himself into the subject, going with the deputation to Mr. E. Crow Baker, M.P., and the Honourable Mr. Robson, Provincial Secretary. A telegram containing the whole of the facts was dispatched to the Honourable the Minister of Marine and Fisheries at Ottawa by Senator Macdonald, and it is expected that an answer will be received in time for it to be dispatched to the Admiral by the "Sardonyx."

The Honourable Mr. Robson also dispatched a separate telegram to the Minister of Marine on the same subject

Inclosure 5 in No. 218.

Telegram from Victoria, B.C., to Mr. Bowell, Minister of Customs, Ottawa.

ONE man from Revenue-cutter placed on board "Black Diamond," with orders to take her to Sitka. Vessel's master and crew remained on board, and brought her straight to Victoria. Vessel's papers, clearance, coasting licence, and certificate of registry, also salted skins, taken from her by officer of Revenue-cutter.

No. 219.

Admiralty to Foreign Office.—(Received September 6.)

Sir,

Admiralty, September 4, 1889.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, copy of a letter from the Captain of

Her Majesty's ship "Champion," dated the 30th July last, with copy of its inclosure, respecting the capture of an English sealing-schooner by a United States' cruizer in the Behring's Sea.

I am, &c.
(Signed) R. D. AWDRY.

Inclosure 1 in No. 219.

Captain St. Clair to Rear-Admiral Heneage.

Sir.

"Champion," at Esquimalt, July 30, 1889.

I HAVE the honour to report, for your information, that during the forenoon of the 29th instant a deputation of owners of sealing-schooners came on board this ship at Esquimalt to report that an English schooner had been captured in the Behring's Sea by a United States' cruizer.

A copy of their statement is attached.

I informed them that I would submit their statement to you on my arrival at Port Simpson.

I have, &c.
(Signed) A. F. ST. CLAIR.

Inclosure 2 in No. 219.

Statement made by Owners of Sealing-Schooners at Victoria, B.C.

THE English schooner "Triumph," Captain McLean, arrived at Victoria last evening (28th July) from Behring's Seas, and reported that she was boarded in these seas on the 11th instant at 8 P.M. by the American steamer "Rush," Lieutenant-Commander Shepherd, at longitude 170° west, and 70 miles off the shore.

The Commander of the "Rush" searched the vessel and found no seals on board. He ordered her (the "Triumph") out of the seas, and said if she was found there again She would be taken prisoner to Ounalaska.

Lieutenant Shepherd, of the "Rush," also had informed Captain McLean that he had that day seized the English schooner "Black Diamond," and his instructions were to seize all vessels found in these seas.

A prize crew had been put on board the "Black Diamond," and the vessel sent to Ounalaska.

[(Signed) JOHN GRAHAM, Owner of Schooner "Sapphire."
WILLM. MIMSIL, Owner of Schooners "Viva,"
"Pathfinder," and "Mary Taylor."
H. SAUNDERS, Owner of Schooner "Ourel."]

"Champion," at Esquimalt, July 29, 1889.

No. 220.

The Marquis of Salisbury to Mr. Edwardes.

Sir,

Foreign Office, September 9, 1889.

I HAVE to express to you my approval of your proceedings, as reported in your despatch of the 26th August last, with reference to the representations you were instructed to make to the United States' Secretary of State in regard to the seizures of British vessels in the waters of Behring's Sea.

I am, &c.
(Signed) SALISBURY.

Foreign Office to Colonial Office.

Sir,

Foreign Office, September 9, 1889.

WITH reference to your letter of the 3rd instant, I am directed by the Marquis of Salisbury to request that you will move the Secretary of State for the Colonies to cause a telegram to be sent to the Governor-General of Canada, requesting his Excellency to furnish Her Majesty's Government with immediate information if any further stoppage of vessels in Behring's Sea takes place.

I am, &c.
(Signed) T. H. SANDERSON.

No. 222.

Colonial Office to Foreign Office.—(Received September 10.)

Sir,

Downing Street, September 10, 1889.

WITH reference to previous correspondence respecting the seizure of Canadian sealers in Behring's Sea, I am directed by Lord Knutsford to transmit to you, for communication to the Marquis of Salisbury, a copy of a despatch from the Governor-General of the Dominion, with its inclosures, on the subject.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 222.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

Citadel, Quebec, August 26, 1889.

WITH reference to previous correspondence respecting the seizure of the "Black Diamond" and the detention of the "Triumph" in Behring's Sea, I have the honour to forward herewith a copy of an approved Minute of the Privy Council, submitting copies of the instructions given to the special officer placed on board the "Black Diamond" by the Captain of the United States' Revenue-cutter "Rush," and of a letter from the Collector of Customs at Victoria, together with the affidavits of the masters of the two vessels.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 222.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, on the 22nd August, 1889.

ON a Report dated the 13th August, 1889, from the Minister of Marine and Fisheries, submitting, in reference to the seizure in the Behring's Sea of the schooner "Black Diamond" and the boarding of the schooner "Triumph," the original instructions given to the special officer placed by the Captain of the United States' Revenue-cutter "Rush" on board the "Black Diamond" at the time of the latter's seizure, and also a letter from the Honourable W. Hamley, Collector of Customs at Victoria, British Columbia, together with the following affidavits:—

1. Affidavit of Owen Thomas, of Victoria, British Columbia, master of the British sealing schooner "Black Diamond."

2. Affidavit of Daniel McLean, of Victoria, British Columbia, master of the British sealing schooner "Triumph."

The Minister recommends that copies of the inclosures herewith be immediately forwarded, for the information of Her Majesty's Government.

The Committee concurring advise that your Excellency be moved to forward this

Minute, together with copies of the inclosures, to the Right Honourable the Secretary of State for the Colonies.

All of which is respectfully submitted.

(Signed)

JOHN J. MCGEE,
Clerk, Privy Council.

Inclosure 3 in No. 222.

Captain Shepard to Mr. Hankanson.

*United States' Revenue-steamer "Rush," Behring's Sea,
Lat. 56° 22' N., Long. 170° 25' W.,
July 11, 1889.*

Sir,

YOU are hereby appointed a special officer, and directed to proceed on board the schooner "Black Diamond," of Victoria, British Columbia, this day seized for violation of Law, section 1946 Revised Statutes of the United States, and assume charge of said vessel, her officers and crew, twenty-five in number, all told, excepting the navigation of the vessel, which is reserved to Captain Owen Thomas, and which you will not interfere with unless you become convinced that he is proceeding to some other than your port of destination, in which event you are authorized to assume full charge of the vessel. Everything being in readiness, you will direct Captain Owen Thomas to make the best of his way to Sitka, Alaska, and upon arrival at that port you will report in person to the United States' District Attorney for the district of Alaska, and deliver to him the letter so addressed, the schooner "Black Diamond," of Victoria, British Columbia, her outfit, and the persons of Captain Owen Thomas and Mate Alexander Galb, and set her crew at liberty. After being relieved of the property and persons intrusted to your care, you will await at Sitka the arrival of the "Rush."

I have, &c.

(Signed)

L. G. SHEPARD.

Inclosure 4 in No. 222.

Mr. Hamley to the Customs, Quebec.

Custom-house, Victoria, August 5, 1889.

Sir,

I FORWARD herewith, in original, the orders given by Captain Shepard, of the United States' Revenue-cutter "Rush," to J. Hankanson, special officer, to proceed on board the British schooner "Black Diamond," seized in Behring's Sea, and to take her to Sitka.

The master of the schooner reports to me that the Indians employed as hunters in the schooner would, he believes, have murdered Hankanson if an attempt had been made to take her to Sitka. The master got out of the sea and sailed at once for Victoria, without any opposition on the part of Hankanson, and I think it is very probable that the orders given him privately by the Captain of the "Rush" were not to interfere in any way with the destination of the vessel. He arrived here on Saturday evening, the 3rd August; the object of the Revenue-cutter was no doubt attained in taking her skins, rifle, and Indian spears away, and sending the vessel out of Behring's Sea. Her certificate of registry was also taken away.

Shall I give her a fresh certificate?

I have, &c.

(Signed)

W. HAMLEY.

Inclosure 5 in No. 222.

In the Matter of the Seizure of the Sealing-schooner "Black Diamond" by the United States' Revenue-cutter "Richard Rush," on the 11th day of July, 1889.

Deposition of Owen Thomas.

I, OWEN THOMAS, of the city of Victoria, British Columbia, master mariner, do solemnly and sincerely declare that—

1. I am a master mariner, and was at the time of the occurrences hereinafter men-

tioned and still am the master of the schooner "Black Diamond," of the port of Victoria, British Columbia.

2. On the 11th day of July, A.D. 1889, whilst I was on board and in command of the said schooner, and she being then on a sealing expedition, and being in latitude $56^{\circ} 22'$ north and longitude $170^{\circ} 25'$ west, and at a distance of about 35 miles from land, the United States' Revenue-cutter "Richard Rush" overhauled the said schooner, and, having hailed her by shouting, a command which I could not distinctly hear, steamed across the bows of the said schooner, compelling her to come to. A boat was then lowered from the said cutter, and Lieutenant Tuttle and five other men from the United States' vessel came aboard the said schooner. I asked the Lieutenant what he wanted, and on his stating he wished to see the ship's papers, I took him down to my cabin and showed them to him. He then commanded me to hand the papers over to him. This I refused to do, and locked them up in my locker.

At this time there were 131 sealskins aboard the schooner, 76 of which had been salted, and 55 of which were unsalted, and Lieutenant Tuttle ordered his men to bring up the skins, and to take the salted ones on board the "Richard Rush." The cutter's men accordingly transferred all of the salted skins from my schooner to the "Richard Rush," and also took aboard the cutter two sacks of salt and a rifle belonging to the schooner. Lieutenant Tuttle then again demanded me to give up the ship's papers, and told me that if I would not give them up he would take them by force. As I still declined to part with them he signalled to the cutter, and a boat came off with the Master-at-Arms, who came on board the schooner. Lieutenant Tuttle asked me for the keys of the locker so that he might get the papers out, and upon my refusing to give them to him he ordered the Master-at-Arms to force open the locker. The Master-at-Arms then unscrewed the hinges of the locker, took out the ship's papers, and handed them to Lieutenant Tuttle. Lieutenant Tuttle then returned to the "Richard Rush," and came back to the schooner again, bringing on board with him one whose name I have since heard to be John Hawkinson, and who I believe to be a Quartermaster of the "Richard Rush." Lieutenant Tuttle then told me to take the schooner to Sitka. I told him that I should not go unless he put a crew on board to take the schooner there. He gave Hawkinson directions to take the ship to Sitka, and gave him letters to give to the United States' authorities on arrival.

Lieutenant Tuttle, before leaving my schooner, ordered twenty Indian spears which were aboard for sealing purposes to be taken on to the "Richard Rush." I asked the Lieutenant to give me a receipt for the papers, skins, &c., he had taken. This he refused to do, and he then returned to the "Richard Rush," taking the said spears with him, and leaving the man Hawkinson in charge of the schooner. Shortly afterwards the cutter steamed away, without returning the ship's papers, sealskins, and other goods before-mentioned.

After the departure of the United States' vessel, I directed my course to Ounalaska, hoping to meet with an English man-of-war. We arrived there on the 15th day of July. My crew at this time consisted of a mate, Alexander Gault, two white seamen, deck hands, and a white cook, and twenty Indians. The Indians, thinking we were going to Sitka, became mutinous, and told me the best thing I could do to avoid trouble was to take the schooner home. They also warned the other white men on board that if they thought I meant to take the schooner to Sitka, they would throw us all overboard. There being no man-of-war at Ounalaska I left there and directed my course to Victoria, and arrived at that port at about 7 P.M. on Saturday, the 3rd August last, having on board the said John Hawkinson, who, during the cruise to Victoria, had not tried to give me any directions, or made any suggestions as to the course to be taken by the schooner. On arrival at Victoria Hawkinson was put ashore by one of my boats.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Oaths Ordinance, 1869.

Declared at the city of Victoria, British Columbia, the 7th day of August, 1889, before me,

(Signed) OWEN THOMAS.

(Signed) ERNEST V. BODWELL,
A Notary Public for the Province of British Columbia.

Inclosure 6 in No. 222.

Deposition of Daniel McLean.

I, DANIEL MCLEAN, of the city of Victoria, in the province of British Columbia, Dominion of Canada, being duly sworn, depose as follows :—

That I am master and part-owner of the British schooner "Triumph," registered at the port of Victoria, British Columbia; that, in conformity to laws of the Dominion of Canada, I regularly cleared the said schooner "Triumph" for a voyage to the North Pacific Ocean and Behring's Sea, and that, in pursuance of my legitimate business, did enter the said Behring's Sea on the 4th day of July, 1889, and did in a peaceful manner proceed on my voyage, and being in latitude 56° 05' north, longitude 171° 23' west on the 11th day of July, 1889. At the hour of 8.30 A.M. was hailed by Commander of United States' Revenue-cutter "Richard Rush," the said Revenue-cutter being a vessel belonging to the Government of the United States and regularly commissioned by the same; a boat having been lowered by officer and crew, I was boarded by the same, the officer in charge of the boat being one Lieutenant Tuttle, who demanded the official papers of my vessel, and, after reading the same, proceeded to search my vessel for seals, and finding no evidence of the same informed me that orders had been issued by the Secretary of the United States, under the Proclamation of the President, instructing the Commanding Officer of the said Revenue-cutter "Rush" to seize all vessels found sealing in Behring's Sea; he also told me that should he again board me and find sealskins on board, that he would seize and confiscate the vessel and catch; he furthermore informed me that he had already seized the British schooner "Black Diamond" of Victoria, British Columbia, and that she had been sent to Sitka, and that, therefore, by reason of his threats and menaces, I was caused to forego my legitimate and peaceful voyage on the high seas and return to the port of my departure, causing serious pecuniary loss to myself, crew, and owners, for which a claim will be formulated and forwarded in due course.

And I make this solemn affidavit, conscientiously believing the same to be true, and by virtue of the Oaths Ordinance, 1869.

(Signed) DANIEL MCLEAN,
Master of Schooner "Triumph."

Sworn before me this 8th August, 1889, at Victoria, British Columbia.

(Signed) GEO. MORISON, J.P.,
A Justice of the Peace for the Province of British Columbia.

No. 223.

Colonial Office to Foreign Office.—(Received September 12.)

Sir, *Downing Street, September 10, 1889.*

IN reply to your letter of the 9th instant, I am directed by Lord Knutsford to acquaint you, for the information of the Marquis of Salisbury, that the Governor-General of Canada has to-day been requested to send immediate information if any further stoppage of vessels takes place in Behring's Sea.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 224.

Colonial Office to Foreign Office.—(Received September 14.)

Sir, *Downing Street, September 13, 1889.*

I AM directed by the Secretary of State for the Colonies to transmit to you, for communication to the Marquis of Salisbury, with reference to previous correspondence, a copy of a telegram from the Governor-General of Canada, containing information in respect of the recent seizures in Behring's Sea, and stating that affidavits were being forwarded.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 224.

Lord Stanley of Preston to Lord Knutsford.

(Telegraphic.)

(Received September 29, 1889.)

SEIZURES of British vessels in Behring's Sea.

"Black Diamond" seized 11th July; "Minnie," 15th July; "Juanita," 31st July; "Pathfinder," 27th August; "Triumph" warned off, being threatened with seizure, 11th July. Official information recently received at Ottawa respecting "Minnie," "Juanita," "Pathfinder." Affidavits being forwarded. Seizure of "Lily" reported; affidavit when received at Ottawa will be forwarded. Seizing officers removed skins, ammunition, arms, and ship's papers.

No. 225.

Colonial Office to Foreign Office.—(Received September 14.)

(Extract.)

Downing Street, September 13, 1889.

WITH reference to your letter of the 2nd instant, and to previous correspondence respecting the seizures of Canadian sealers in Behring's Sea, I am directed by Lord Knutsford to transmit to you, for communication to the Marquis of Salisbury, a copy of a telegram which has been sent to the Governor-General of the Dominion on the subject.

Inclosure in No. 225.

Lord Knutsford to Lord Stanley of Preston.

(Telegraphic.)

Downing Street, September 6, 1889.

HER Majesty's Government communicating with United States' Government with a view to preventing further seizures in Behring's Sea.

No authentic and detailed information received as to seizures during the present fishing season.

Appeal in case of 1886 seizures might be expedited by motion on meeting of Supreme Court October, but case could not be heard till spring.

No. 226.

Mr. Edwardes to the Marquis of Salisbury.—(Received by telegraph, September 20.)

(Extract.)

Washington, September 17, 1889.

ON the 11th instant I had the honour to receive your Lordship's telegram informing me that it would be better that I should write privately to Mr. Blaine, saying that Her Majesty's Government were earnestly expecting an answer to their request that the United States' Government would send to Alaska such instructions as would put a stop to the seizures of British vessels, the reports of which seizures were causing much excitement both in England and Canada.

I now have the honour to inclose herewith a copy of the private letter which, in accordance with the terms of your Lordship's above telegrams, I addressed to Mr. Blaine on the 12th instant.

Inclosure in No. 226.

Mr. Edwardes to Mr. Blaine.

(Personal.)

My dear Mr. Blaine,

Washington, September 12, 1889.

I SHOULD be very much obliged if you would kindly let me know when I may expect an answer to the request of Her Majesty's Government, which I had the honour of communicating to you in my note of the 24th August, that instructions may be sent to Alaska to prevent the possibility of the seizure of British ships in Behring's Sea. Her Majesty's Government are earnestly awaiting the reply of the United States' Government

on this subject, as the recent reports of seizures having taken place are causing much excitement both in England and in Canada.

I have, &c.
(Signed) H. G. EDWARDES.

No. 227.

Mr. Edwardes to the Marquis of Salisbury.—(Received September 30.)

My Lord,

Washington, September 19, 1889.

WITH reference to my despatch of the 17th instant, I have the honour to inclose herewith to your Lordship a copy of a note which I have received from the Secretary of State in reply to my personal note of the 12th instant, in which I inquired of him when I might expect an answer to the request of Her Majesty's Government that instructions may be sent to Alaska to prevent the possibility of the seizure of British ships in Behring's Sea.

Mr. Blaine states that he had supposed that his note of the 24th August, copy of which was inclosed in my despatch of the 26th August, would satisfy Her Majesty's Government that the President was earnestly desirous of coming to a friendly agreement on all matters at issue between the two Governments in relation to the Behring's Sea, and that he had further supposed that my mention to him that Sir Julian Pauncefote would be officially instructed to proceed, on his return to Washington, to a full discussion of the question removed all necessity of a preliminary correspondence touching its merits.

Mr. Blaine then goes on to say that, with reference more particularly to the question to which I had informed him Her Majesty's Government were expecting a reply, a categorical response would have been and still is impracticable, unjust to the United States' Government, and misleading to Her Majesty's Government, and that it was therefore the judgment of the President that the whole question could more wisely be remanded to the formal discussion so near at hand, which Her Majesty's Government have proposed, and to which the United States' Government have cordially assented.

The Secretary of State concludes by stating that he considers it proper to add that any instruction sent to Behring's Sea at the time of my original request, namely, the 24th August, would have failed to reach those waters before the proposed departure of the vessels of the United States.

I have, &c.
(Signed) H. G. EDWARDES.

Inclosure in No. 227.

Mr. Blaine to Mr. Edwardes.

Sir,

Bar Harbour, Maine, September 14, 1889.

I HAVE the honour to acknowledge the receipt of your personal note of the 12th instant, written at Washington, in which you desire to know when you may expect an answer to the request of Her Majesty's Government "that instructions may be sent to Alaska to prevent the possibility of the seizure of British ships in Behring's Sea."

I had supposed that my note of the 24th August would satisfy Her Majesty's Government of the President's earnest desire to come to a friendly agreement touching all matters at issue between the two Governments in relation to Behring's Sea, and I had further supposed that your mention of the official instruction to Sir J. Pauncefote to proceed, immediately after his arrival in October, to a full discussion of the question removed all necessity of a preliminary correspondence touching its merits.

Referring more particularly to the question to which you repeat the desire of your Government for an answer, I have the honour to inform you that a categorical response would have been and still is impracticable, unjust to this Government, and misleading to the Government of Her Majesty. It was therefore the judgment of the President that the whole subject could more wisely be remanded to the formal discussion so near at hand, which Her Majesty's Government has proposed, and to which the Government of the United States has cordially assented.

It is proper, however, to add that any instruction sent to Behring's Sea at the time of

your original request, upon the 24th August, would have failed to reach those waters before the proposed departure of the vessels of the United States.

I have, &c.

(Signed) JAMES G. BLAINE.

No. 228.

The Marquis of Salisbury to Mr. Edwardes.

Sir,

Foreign Office, October 2, 1889.

IN my despatch of the 17th August I furnished you with copies* of a correspondence which had passed between this Department and the Colonial Office, on the subject of the seizure of the Canadian vessels "Black Diamond" and "Triumph" in the Behring's Sea by the United States' Revenue-cutter "Rush."

I have now received, and transmit herewith, a copy of a despatch from the Governor-General of Canada to the Secretary of State for the Colonies,† which incloses copies of the instructions given to the special officer placed on board the "Black Diamond" by the Officer commanding the "Rush" and of a letter from the Collector of Customs at Victoria, together with the sworn affidavits of the masters of the two Canadian vessels.

It is apparent from these affidavits that the vessels were seized at a distance from land far in excess of the limit of maritime jurisdiction which any nation can claim by international law.

The cases are similar in this respect to those of the ships "Caroline," "Onward," and "Thornton," which were seized by a vessel of the United States outside territorial waters in the summer of 1887. In a despatch to Sir L. West dated the 10th September, 1887, which was communicated to Mr. Bayard, I drew the attention of the Government of the United States to the illegality of these proceedings, and expressed a hope that due compensation would be awarded to the subjects of Her Majesty who had suffered from them. I have not since that time received from the Government of the United States any intimation of their intentions in this respect or any explanation of the grounds upon which this interference with the British sealers had been authorized. Mr. Bayard did indeed communicate to us unofficially an assurance that no further seizures of this character should take place pending the discussion of the questions involved between the two Governments. Her Majesty's Government much regret to find that this understanding has not been carried forward into the present year; and that instructions have been issued to cruisers of the United States to seize British vessels fishing for seals in Behring's Sea outside the limit of territorial waters. The grounds upon which these violent measures have been taken have not been communicated to Her Majesty's Government, and remain still unexplained.

But, in view of the unexpected renewal of the seizures of which Her Majesty's Government have previously complained, it is my duty to protest against them, and to state that, in the opinion of Her Majesty's Government, they are wholly unjustified by international law.

I am, &c.

(Signed) SALISBURY.

No. 229.

The Marquis of Salisbury to Mr. Edwardes.

Sir,

Foreign Office, October 2, 1889.

AT the time when the seizures of British ships hunting seals in Behring's Sea during the years 1886 and 1887 were the subjects of discussion, the Minister of the United States made certain overtures to Her Majesty's Government with respect to the institution of a close time for the seal fishery, for the purpose of preventing the extirpation of the species in that part of the world. Without in any way admitting that considerations of this order could justify the seizure of vessels which were transgressing no rule of international law, Her Majesty's Government were very ready to agree that the subject was one deserving of the gravest attention on the part of all the Governments interested in those waters.

The Russian Government was disposed to join in the proposed negotiations, but they were suspended for a time in consequence of objections raised by the Dominion of Canada,

* Nos. 202, 203, and 204.

† No. 222.

and of doubts thrown on the physical data on which any restrictive legislation must have been based.

Her Majesty's Government are fully sensible of the importance of this question, and of the great value which will attach to an international agreement in respect to it; and Her Majesty's Representative will be furnished with the requisite instructions in case the Secretary of State should be willing to enter upon the discussion.

You will read this despatch and my previous despatch of the same date to the Secretary of State, and if he should desire it you are authorized to give him copies of them.

I am, &c.
(Signed) SALISBURY.

No. 230.

The Marquis of Salisbury to Mr. Edwardes.

Sir,

Foreign Office, October 3, 1889.

I HAVE received your despatch of the 17th ultimo, and I have to inform you that I approve the terms of your letter to Mr. Blaine, inquiring when a reply might be expected to the request of Her Majesty's Government that instructions might be sent to the Alaska authorities to prevent the possibility of further seizures of British sealing-vessels in Behring's Sea.

I am, &c.
(Signed) SALISBURY.

No. 231.

Colonial Office to Foreign Office.—(Received October 5.)

Sir,

Downing Street, October 5, 1889.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a letter from Mr. T. U. Clarke, inclosing a Report of a meeting at Victoria, British Columbia, held to protest against the seizure of British sealing-vessels in Behring's Sea, and advertent to the case of the "Juanita."

Lord Knutsford would be glad to be informed what answer Lord Salisbury wishes to be returned to Mr. Clarke.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 231.

Mr. Clarke to Lord Knutsford.

My Lord,

Highgate House, Kilsby, Rugby, September 24, 1889.

I BEG to call your attention to the Report of a meeting headed "A Vigorous Protest," in inclosed Victorian (British Columbia) paper, referring to the seizure of British sealing-vessels in the high seas.

Also to the notice, marked on p. 4, referring to the robbery of 620 sealskins from the "Juanita," of which vessel my brother is captain and part-owner.

As the vessel was 80 miles from land at the time of the seizure, I, on my brother's behalf, beg respectfully to ask whether Her Majesty's Government is taking steps to prevent these illegal seizures, and also to obtain compensation for those who suffer thereby.

Your kind attention and advice will oblige.

Yours, &c.
(Signed) T. U. CLARKE.

Extracts from the "Victoria Daily Colonist" of September 1, 1889.

A VIGOROUS PROTEST.—A few evenings ago, a meeting was held at the office of Messrs. Hall and Goepel of those interested in the sealing industry, and a Committee of five was appointed to make arrangements for a public meeting at which the voice of the people of Victoria could be heard in reference to the recent seizure of British schooners sealing in Behring's Sea.

The Committee consulted with Mayor Grant, and a mass meeting was duly advertised to be held at the City Hall last evening for the purpose referred to.

By 8 o'clock, at which hour the meeting was called for, every seat in the City Hall was taken, and dozens of deeply-interested citizens were compelled to stand. The meeting was thoroughly representative, there being present all the leading business men of Victoria, vessel owners and practical sealing men, while among the most prominent men present were to be noticed the Honourable John Robson, E. Crow Baker, M.P., Lieutenant-Colonel E. G. Prior, M.P., the Honourable Robert Beaven, M.P.P., D. W. Higgins, M.P.P., S. Duck, M.P.P., Mayor Grant, Robert Ward, President of British Columbia Board of Trade, Captain J. D. Warren, E. B. Marvin, W. Munsie, J. H. Todd, Morris Moss, C. Strauss, Captain William Grant, Captain Clarke, R. P. Rithet, and very many others.

Upon motion of the Honourable Mr. Beaven, seconded by Mr. E. Crow Baker, M.P., Mayor Grant was requested to take the chair, which he did at 8:15 P.M.

His Worship, in opening the meeting, said that the matters for the discussion of which the meeting was called had always possessed a deep interest for him. In the early part of 1887, he had had the honour to move in the House for the submission to the Dominion Government of a proposition for submission to the Imperial Government in regard to the protection of British sealing interests in Behring's Sea. His motion had been carried without a dissenting voice. In 1888 he had made another proposition through the House. This proposition provided that the individual interests should not be allowed to suffer by the negligence of the Government in settling this question. He had always been very anxious to see an early settlement of the Behring's Sea question. Without further preface, he would call on Mr. Edgar Crow Baker, M.P.

Mr. Baker expressed pleasure at being called on to strike the first blow. It was a matter, he said, that concerned not only the individual, but the entire province, the dominion at large, and the whole British Empire. The matter was one deserving of consideration, not only because it touched the individual pockets and the province our home, but because it touched our hearts. The view taken by the people of British Columbia was that the grand old flag that they had learned to love from infancy had not only been insulted, but had been trampled in the dust. (Applause.) It was proposed to place everything in connection with the Behring's Sea question before the meeting truly and fairly from the very start, and to let the citizens of Victoria express their calm and conscientious opinion upon them. After referring but briefly to the various Treaties that had been made by the United States and Canada, which were not, however, entered into at any great length, as they affected more particularly the fisheries on the Atlantic seaboard, Mr. Baker pointed out how, as far back as 1820, when Russia owned Alaska, and claimed jurisdiction not only over the 3-mile limit about its coasts, but also over the sea 100 miles from land, the United States' Secretary made a very vigorous protest at St. Petersburg against the contention of the Russian Government. The British Government also strongly disputed Russia's claim, and the result was that in 1824 a Treaty was made with the United States, and in 1825 one with Great Britain, which showed how the two great nations, Great Britain and the United States, joined issue with Russia when she set up the claim to jurisdiction over Behring's Sea, and contended that it was an inland sea, and not a branch of the Northern Pacific Ocean.

On the 20th June, 1867, the United States purchased the territory of Alaska and the eastern half of Behring's Sea from Russia, paying therefor the sum of 7,200,000 dollars. At this time, the Russian Government gave them what they claimed to be a clear title to the eastern half of Behring's Sea. If that title was bad the fault is not ours. (Applause.) In 1870 the United States' Congress passed a measure prohibiting the killing of seals in close proximity to the Islands of St. George and St. Paul. Shortly after this, the United States' Government leased to the Alaska Commercial Company the exclusive right to kill seals for twenty years, in consideration of the sum of 55,000 dollars per annum, and certain royalties. In the early part of 1889 an Act was passed, by some claimed to have been smuggled through Congress in a rush, proclaiming not very definitely that intrusions in Behring's Sea would not be allowed; and containing a sweeping clause granting the President power to

deal with matters in connection with sealing by proclamation. Power of a very indefinite kind was also given in regard to giving instructions to the United States' cutters. Aggressive measures were first taken in 1886, when Mr. T. Lubbe wrote to him (Mr. Baker) at Ottawa, informing him that the British interests were endangered. Mr. Lubbe's letter was laid before the Governor-General in Council, and the matter was promptly placed before the Imperial Government by the Dominion Cabinet. The Minister of Justice at this time gave his opinion in favour of the British Columbian sealers both to Mr. Baker and to the Imperial Government, pronouncing the action of the United States illegal, and urging upon the British Government the necessity of taking definite action at once to protect her interests in British Columbia. This was three years and a-half ago, and it was most mortifying to think that this time should have elapsed before any decision was reached. The actual seizures commenced in 1886, when three schooners were taken possession of, along with their fittings and cargoes, and sold. The crews were cast on their own resources in Alaska, and the masters and mates were not only heavily fined, but imprisoned as well. Matters of losses were expected by every one in business; but every British Columbian felt that he was protected by the flag of England, under which many present were born, and thought it strange that he was not sheltered by the flag whose protection he had a right to expect. In 1887 nothing practical was done, and no restitution was made. In 1887 the number of seizures was doubled, six schooners being taken possession of. Coming to the present, in 1888 no seizures were made, and there was every reason to believe that the seizures would be discontinued. The Dominion Government had acted as promptly and as energetically as they possibly could. They had placed all matters promptly and rightly before the Imperial Government. It was therefore easy to see where the responsibility rested. It was impossible for the Government of Canada to protect its citizens outside of the coast limit of a marine league. When the citizens of British Columbia sailed for the northern seas they passed beyond the protection of the Federal Government, fondly hoping that wherever they went they were protected by the old flag of England.

Mr. Baker proceeded to read an amount of correspondence in reference to the appeal for protection made by Mr. Morris Moss for the British Columbia sealers on 28th March, 1888, which the Minister of Justice replied to by saying that it was to Great Britain to whom the sealers should look for protection. The Dominion Government could not send armed ships on the high seas to protect Canadians.

On the 28th July of this year the schooner "Triumph" arrived in port, and her captain brought the news of his being boarded by Lieutenant Tuttle, of the United States' cutter "Richard Rush," and warned by him that if he was found in Behring's Sea fishing or hunting for seals, not only would his catch of seals be forfeited, but his vessel and equipments would be confiscated, and sent with a prize crew on board to an American port. The "Triumph" also brought news of the capture of the "Black Diamond." Immediately afterwards, on the following day, he (Mr. Baker) had telegraphed again to the Minister of Marine and Fisheries, asking him if it was not possible to secure some protection for the twenty other British sealers in Behring's Sea. The steamer "Sardonyx" was going north with coal for Her Majesty's war-ships, then in the north, in a few days, and it was suggested that instruction could be sent to them by the Imperial Government to protect the British sealers. An answer was received that the matter would receive immediate consideration.

Having reviewed the whole history of the sealing question, Mr. Baker expressed the belief that all present could see for themselves how outrageous it was for any Government to arrogate to itself the exclusive control of a great body of water such as Behring's Sea was—700 miles long from north to south, and 900 miles wide. The desire of the sealers of Victoria was, first of all, to secure a guarantee that the seizures would be stopped. They had also a reasonable right to expect compensation for the losses already sustained, and without further delay. They, further, wished to be secured in their right to prosecute the deep-sea fishing, of which fur-sealing was a branch. He would conclude by moving the following Resolution:—

"Whereas in the year 1886, by order of the Government of the United States, claiming exclusive territorial jurisdiction over the whole of Behring's Sea, eastward of a line drawn from about the middle of Behring's Strait south-westward till it crosses the 193rd meridian of longitude, three British vessels, while lawfully engaged in hunting seals, were seized in that sea at distances of from 65 to 70 miles from the nearest land; and

"Whereas after protest by the British Government against such seizures, the Government of the United States ordered the unconditional release of the said vessels; and

"Whereas by such a course the United States' Government practically admitted the illegality of the seizures, and left it to be inferred that no further seizures would be made; and

"Whereas in 1887 it again resorted to the seizure of sealing-vessels in Behring's Sea outside the 3-mile limit, and at distances from 15 to 92 miles from the nearest land, six vessels belonging to our citizens were seized by its orders and afterwards declared forfeited to the United States; and

"Whereas in the following year, 1888, sealing-vessels belonging to our citizens again entered Behring's Sea, and took seals throughout the season without molestation by the Revenue-cutters of the Government of the United States, which had distinctly that year, by its instructions to the commanders of its cutters in Behring's Sea, ordered that no seizures of such vessels be made; and

"Whereas in the present year seizures of British sealing-vessels belonging to our citizens have again been made, practically in mid-ocean, in Behring's Sea, by order of the Government of the United States, the vessels robbed of sealskins on board, and arms and ammunition:

"Be it therefore resolved, that the citizens of Victoria protest against the usurpation of jurisdiction by the Government of the United States over the waters of Behring's Sea, outside the universally acknowledged 3-mile limit, and express their indignation at the repeated outrages to which the persons and property of their fellow-citizens, lawfully exercising their rights on the high seas in that part of the globe, are subjected by the orders of the Government of the United States."

Lieutenant-Colonel Prior, M.P., was called upon to second the Resolution. He was very glad, he said, to do so. He considered the conduct of the United States in the matter of seizing vessels on the high seas the most outrageous that could be thought of. There was no necessity for reviewing the question the present meeting was called to consider. It had been fully gone into already. The question was, what right had the American Government to seize our sealers?

A Voice from the audience.—No right.

Colonel Prior, continuing.—That was just the answer I was going to make. The press of both countries says they had no right. The most important papers of the United States say that the American Government will have to back down in their contention. The Russian Government, by Treaties with both the United States and Canada, gave up their claim to jurisdiction over Behring's Sea in 1825. How then can the United States claim to have purchased their jurisdiction from Russia? The great majority of Americans acknowledge that the claim advanced by their Government has nothing to rest on. Who is to blame then for not stopping these illegal seizures? The Dominion Government are not to blame. They have done all in their power. When the news of the first seizure this year reached me, I was in Kamloops. I at once telegraphed to Ottawa, and expressed the hope that the Imperial Government would give Admiral Heneage orders to retake the captured vessels. The "Caroline" had orders to do this in 1887, but for some reason was recalled. If in 1887, why not now? If the Behring's Sea question is purely one of jurisdiction, why does not the American Government allow its own sealers to fish and hunt unmolested? It is not the reason. The United States' Government is trying to bolster up a giant monopoly—the Alaska Commercial Company, who by tender acquired a lease of sealing rights on the Islands of St. George and St. Paul, the breeding-grounds, for twenty years. The true reason for their action is that the American Government is afraid to lose the 315,000 dollars paid them annually by the Alaska Commercial Company. Governor Swineford, of Alaska, has condemned the Company as the greatest and worst monopoly in America, but, as he says, it has its agents always at Washington to pull the strings in its interest.

This is the last season of the Company's lease, and there is no knowing what the Government propose to do next. This year, when we first heard of the outrages in Behring's Sea, he had thought, and he was not the only one on the floor of the House of Commons who had thought the same, that it would not be poor policy to send the British fleet into Behring's Sea to protect the interests of Canadians. If France set up a claim of jurisdiction over some particular part of the ocean, and seized a German sealer therein, do you think that it would have taken three years to settle the question? Possibly, but they would be three very bad years for some one! (Cheers.) If Beaconsfield had lived, would it have taken England three years and a-half to settle this question? No! (Cheers.) He had pleasure in seconding the Resolution introduced by his colleague.

The Resolution was carried unanimously, with cheers.

The Honourable Mr. Beaven was the next speaker. He touched upon the various Treaties dealing with Behring's Sea, and referred to the manner in which British subjects were taught, that they were protected by the flag of England while and wherever they were engaged in a lawful calling. The action of the United States was contrary to international law. It had been so pronounced by the Premier of England and a host of United States'

authorities. He thought matters should be at once referred to arbitration, as there could be no disputing the legality as well as the justice of the Canadian claim. It was true that Canada had suffered in past arbitration with the States; but still, arbitration was far preferable to any other method in the settlement of existing disputes. He proceeded to review the value of the sealing fleet and industry to the province, and explain the dimensions it might assume if the present difficulties were settled. From a dollar-and-cents point of view, it was necessary that action should be taken at once. He begged to move the following Resolution:—

“Resolved,—That, as loyal British subjects, we resent the insult to our flag, and respectfully claim for our vessels and citizens on the high seas that protection by the British Government which for centuries has been the right and pride of even the meanest subject of the Empire, but which now seems to be denied us, causing great loss to the commerce of our city, and financial ruin to our fellow-citizens engaged in the sealing industry.”

Mr. S. Duck, M.P.P., seconded the Resolution. There should be no more delay. Some action should at once be taken to secure British subjects in pursuit of their lawful avocation from illegal seizure; and to let them know whether they are to receive compensation for loss already sustained while pursuing their legitimate calling on the high seas. It was hard for him to understand the apathy that had been shown by the Imperial Government in this matter. The good sense of the American people would compel their Government to take a right action in the matter, if the Imperial Government but did their duty by Canada. He was glad to second the Resolution.

Again the Resolution was put and carried, with loud applause, but no dissenting voice.

Mr. D. W. Higgins, M.P.P., was next called upon. He said that he had had placed in his hands the following Resolution, which he proceeded to read:—

“Resolved,—That the time has come for a speedy and final settlement of the question of our rights in Behring’s Sea, and we urge upon both the Imperial and Canadian Governments the danger of allowing this question to longer remain open.”

He thought this placed the question in a practical form. The other Resolutions were longer, but still explicit. He could not, he said, help contrasting the action of England when Imperial rights were concerned with her action in this case when Colonial interest was at stake. The Delagoa Bay incident came to his memory. Certain English property was seized by Portugal, and a cable-message was at once sent to England. Three days after a fleet was ordered to Delagoa Bay to protect the British interests. It would have been in keeping with this policy if the fleet at Esquimalt had long ago been sent to Behring’s Sea to protect British interests. Beaconsfield, at the close of his career, said: “I have kept peace with honour.” Can Salisbury, if the present policy is continued, say the same at the close of his career? He may say, “I have kept peace,” but at the sacrifice of the liberties of the greatest and most warlike nation in the world. He (Mr. Higgins) had paid a visit to the Southern States, and witnessed all the awful desolation apparent just after the civil war. He had at that time breathed the prayer that his country might never know the horrors of war. War was awful; but there was one thing just as terrible—a peace preserved at the loss of national honour. (Loud cheers.)

Mr. R. P. Rithet seconded Mr. Higgins’ Resolution. He acknowledged that it was humiliating to be compelled to make an appeal for protection to our own nation while pursuing a lawful avocation on the high seas. The matter was of no moment whether the insult had been offered to one humble subject or to many. The principle was the same. British subjects had been illegally made prisoners of on the high seas, and had been fined and imprisoned. Like good subjects, they had waited long for action to be taken without their demanding it as their right. This action not having been made, however, it was necessary now to emphasize the representations that had been made to the Imperial Government. Like Colonel Prior, he himself felt like striking back when he was hit. He thought it would have been a good thing if one of the British men-of-war lying idly in Esquimalt Harbour had sailed north for Behring’s Sea with the “Richard Rush” at the beginning of the season; kept in the “Rush’s” company until she attempted to interfere with some British sealer, and then quietly sail between and say, “You must not!”

The United States now claimed that their desire was to protect the sealing industry from extermination. It was the desire of Victoria’s sealers as well, and they would make no attempt to disobey any international regulations that might be made for the preservation of the seals. He was fully in accord with the Resolution, which he seconded.

Like its two predecessors, the Resolution passed unanimously.

Mr. Robert Ward, President of the British Columbia Board of Trade, drew attention to the inconsistency shown by the American Government, and carefully reviewed the

question of compensation before moving the following Resolution, which was seconded by Mr. J. H. Todd:—

“Whereas no compensation has yet been made to the owners and crews of any of the vessels so seized and forfeited, be it therefore resolved, that we urge the Governments of Canada and Great Britain to promptly compensate the sufferers by these seizures, irrespective of the merits of the international questions involved.”

Carried unanimously.

The Mayor then called upon the Hon. Mr. Robson to move the next Resolution. Mr. Robson stepped forward amidst applause. He said the hour was so late, and so much had been said, and so well said, that he did not feel justified in occupying much of the time of the meeting. He was in perfect accord with the Resolutions which had been passed, and was hopeful of good results. That some such steps had not been taken sooner was matter of surprise and regret. Too long had the glorious old flag of which we all felt justly proud been trailed in the dust on these western seas with impunity (loud applause), and true loyalty required that we should employ every legitimate means to put a stop to it. Long enough had Brother Jonathan been allowed with impunity to twist the tail of the British lion, and now it remained for the “simple fishermen of Victoria” to strike a lucifer under the lethargic old animal’s nose, and arouse it to a proper sense of duty. (Applause.) One speaker had said the Provincial Government had nothing to do with this matter, while another said it had. Perhaps in the strict official sense it had not; but he conceived that in a very important sense it had to do with whatever concerned the welfare of the country, and he felt it to be due to the Provincial Government to say that this matter had received its most earnest attention. (Applause.) It had prepared and transmitted no fewer than sixteen Orders in Council and telegrams, and he could assure the meeting that these were couched in as strong language as was consistent with State documents. (Applause.) He moved the following Resolution:—

“Resolved,—That copies of the Resolutions passed at this meeting be forwarded to the Imperial and Canadian Governments, and to all Boards of Trade in Canada.”

Mr. A. B. Gray seconded the Resolution, which he considered a fitting climax to the evening’s work. It would show to the world the attitude the province of British Columbia had assumed after mature consideration of the question dealt with.

The Resolution was carried, again unanimously; and after a vote of thanks to the Mayor, both for calling the meeting and for his services in the chair, the meeting adjourned.

ANOTHER RETURNS.—Messrs. Hall and Goepel’s little sealing schooner “Juanita,” Captain Charles E. Clarke, which has been expected for several days, arrived safely yesterday afternoon, and tied up at Janion’s wharf. Captain Clarke reports having sailed direct from Behring’s Sea for home, but having been compelled to wait four days for a favourable wind to bring him in from the Straits.

The “Juanita” was overhauled by the United States’ cutter “Rush” on the 31st July while sealing in Behring’s Sea. She was boarded by the captain and lieutenant of the cutter with a boat’s crew, who demanded Captain Clarke’s papers, and also took possession of the entire catch of the schooner, 620 skins. The guns and ammunition carried by the schooner were safely hidden away, and the officers of the “Rush” failed to discover their whereabouts.

Captain Clarke protested vigorously against the seizure, which, he informed the officers of the cutter, was outrageous, the schooner being 80 miles out in the open sea. They replied that they were sorry to be compelled to do it, but were forced to obey their orders. After instructing the captain to sail for Sitka, but without any American “prize crew,” the “Rush” steamed away to capture another schooner sighted, and supposed to be the “Lily.”

As soon as the cutter had dropped behind the horizon the “Juanita” resumed her hunting, but her luck had apparently gone. After several days of hard weather the “Juanita” sailed for home, passing the schooner “Kate” on the way down, but not close enough to speak her.

No. 232.

Foreign Office to Colonial Office.

Sir,

Foreign Office, October 5, 1889.

I HAVE laid before the Marquis of Salisbury your letter of the 10th ultimo, inclosing a copy of a despatch from the Governor-General of Canada, dated the 26th August last, in which his Excellency transmits copies of the instructions given to the special officer placed on board the "Black Diamond" by the officer commanding the United States' Revenue-cutter "Rush," and of a letter from the Collector of Customs at Victoria, together with affidavits of the masters of the "Black Diamond" and "Triumph."

I am directed by his Lordship to state in reply, for the information of Lord Knutsford, that he has addressed to Her Majesty's Chargé d'Affaires at Washington the two despatches of which copies are inclosed.* They have been submitted to, and have received the concurrence of, the Law Officers of the Crown.

I am, &c.

(Signed) T. H. SANDERSON.

No. 233.

Mr. Edwardes to the Marquis of Salisbury.—(Received by telegraph, October 13.)

My Lord,

Washington, October 12, 1889.

I HAD the honour to receive on the 11th instant your Lordship's despatches of the 2nd instant on the subject of the seizures of British vessels in Behring's Sea.

With the view of carrying out your Lordship's instructions to read the above despatches to the Secretary of State, leaving with him, should he desire it, copies thereof, I called yesterday at the Department of State, but was unable to find Mr. Blaine that day.

Accordingly, I called on him the next morning by appointment, read the two despatches to him, and left with him copies of the same.

When I came to the passage in your Lordship's despatch which refers to the communication made by Mr. Bayard to Her Majesty's Government, unofficially, of an assurance that no further seizures of the character indicated should take place pending the discussion of the questions involved between the two Governments, Mr. Blaine stopped me and asked me if I could tell him in what manner this unofficial assurance had been given. I replied that I believed it to have been given in a letter from Mr. Bayard to Sir L. West, and that the letter would be found in the printed correspondence relative to the seal fisheries in Behring's Sea which was laid before Congress this year.†

When I had concluded the reading of the despatches, Mr. Blaine asked me for copies of them, which I handed to him, and before I took my leave he said that he would send me a reply later on.

I have, &c.

(Signed) H. G. EDWARDES.

No. 234.

The Marquis of Salisbury to Mr. Edwardes.—(Substance telegraphed.)

Sir,

Foreign Office, October 14, 1889.

WITH reference to your telegram of the 12th instant, I have to observe that the assurance to which I alluded in my despatch of the 2nd instant was conveyed to me unofficially by Mr. Phelps on the 3rd April, 1888.‡ The conversation was recorded in a letter of the same date to the Colonial Office. There is also an allusion in a similar sense in a despatch from Sir L. West of the 6th April.

I am, &c.

(Signed) SALISBURY.

* Nos. 228 and 229.

† See Message from the President of the United States of February 12, 1889, p. 12; Mr. Bayard to Sir L. West, February 3, 1887.

‡ See Nos. 111 and 120.

No. 235.

Foreign Office to Colonial Office.

Sir,

Foreign Office, October 15, 1889.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 5th instant, forwarding copy of a letter and inclosures from Mr. T. A. Clarke relative to the seizure of British sealing-vessels in Behring's Sea, with special mention of the case of the "Juanita," and asking what reply should, in Lord Salisbury's opinion, be returned to Mr. Clarke.

I am directed by his Lordship to suggest that the answer should be to the effect that the question is at present under discussion between the two Governments, and that Sir J. Pauncefoot, who is now on his way out, will at once enter upon the subject on his arrival at Washington.

I am, &c.

(Signed) T. H. SANDERSON.

No. 236.

Colonial Office to Foreign Office.—(Received October 25.)

Sir,

Downing Street, October 24, 1889.

WITH reference to the letter from this Department of the 5th instant, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, inclosing an approved Minute of his Privy Council, with copy of Resolutions passed at a meeting of the citizens of Victoria, British Columbia, on the 31st August last, respecting the seizure of British sealing-vessels in Behring's Sea.

Lord Knutsford proposes to reply to the Governor-General, with the concurrence of Lord Salisbury, in terms similar to those suggested as a reply to Mr. Clarke in your letter of the 15th instant.

I am, &c.

(Signed) R. H. MEADE.

Inclosure 1 in No. 236.

Deputy Governor Sir W. Ritchie to Lord Knutsford.

My Lord,

Ottawa, September 19, 1889.

I HAVE the honour to forward herewith a copy of an approved Minute of the Privy Council, submitting a copy of the Resolutions passed at a meeting of the citizens of Victoria, British Columbia, on the 31st August, respecting the seizures of British sealing-vessels in Behring's Sea.

I have, &c.

(Signed) W. J. RITCHIE.

Inclosure 2 in No. 236.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, on the 14th September, 1889.

ON a Report, dated the 11th September, 1889, from the Minister of Marine and Fisheries, submitting a copy of the Resolutions passed at a meeting of the citizens of Victoria, British Columbia, on the 31st August, having reference to the Behring's Sea seizures, the Committee, on the recommendation of the Minister of Marine and Fisheries, advise that your Excellency be moved to forward a copy thereof to the Right Honourable the Principal Secretary of State for the Colonies, for submission to Her Majesty's Government.

All which is respectfully submitted.

(Signed)

JOHN J. MCGEE,

Clerk, Privy Council.

Inclosure 3 in No. 236.

Resolutions adopted at a Meeting of the Citizens of Victoria, British Columbia, held August 31, 1889.

[See Inclosure 2 in No. 231.]

No. 237.

Colonial Office to Foreign Office.—(Received October 25.)

Sir,

Downing Street, October 24, 1889.

I AM directed by Lord Knutsford to transmit to you, for the consideration of the Marquis of Salisbury, copies of four despatches, with accompanying papers, received from the Governor-General of Canada, relating to the seizure, by the United States' Revenue-cutter "Rush" in the Behring's Sea, of the British sealing-vessels named in the margin.*

I have, &c.

(Signed) R. H. MEADE.

Inclosure 1 in No. 237.

Deputy Governor Sir W. Ritchie to Lord Knutsford.

My Lord,

Ottawa, September 20, 1889.

I HAVE the honour to inclose herewith, for your Lordship's information, a copy of an approved Minute of the Privy Council, submitting the affidavit of the owner and master of the British schooner "Minnie," who therein set forth the circumstances under which that vessel with her cargo of sealskins was seized in Behring's Sea on the 15th July last by the United States' Revenue-cutter "Rush."

I have, &c.

(Signed) W. J. RITCHIE.

Inclosure 2 in No. 237.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, on the 14th September, 1889.

ON a Report, dated the 12th September, 1889, from the Minister of Marine and Fisheries, submitting the affidavit of the owner and master of the British schooner "Minnie," which vessel, with her cargo of 421 sealskins, was seized in the Behring's Sea on the 15th July last by the United States' Revenue-cutter "Rush;" the Committee recommend that your Excellency be moved to transmit a copy of this Minute, together with copy of the annexed affidavit, to the Right Honourable the Principal Secretary of State for the Colonies, for submission to Her Majesty's Government.

All which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. McGEE,

Clerk, Privy Council.

Inclosure 3 in No. 237.

Affidavit of Victor Jacobson.

I, VICTOR JACOBSON, owner and master of the British schooner "Minnie," o. Victoria, British Columbia, make oath and say:—

I cleared my vessel from Victoria in the early part of May for a sealing voyage to Behring's Sea. My crew consisted of five white men and sixteen Indians. I entered the sea on the 27th June, and commenced sealing on the 15th July. I was hove-to under reefed mainsail and jib, when I perceived a vessel under full steam bearing down upon us.

* "Minnie," "Juanita," "Pathfinder," and "Lily."

This was about 3 P.M. I made sail and tried to get away, but was soon overhauled by what turned out to be the United States' cutter "Rush." Some one on board shouted out, "Heave-to." I did so, and a boat filled with men came alongside. A Lieutenant came on board and asked me for my papers, which I gave him. He then asked me how many seals I had. I replied about 450. He then took my papers off to the cutter, and returned and ordered his men to take off the hatches, and bring up all the skins they could find. They took off 421 skins to the cutter. I went on board the cutter and interviewed Captain Shepherd, who told me he must obey his orders, which were to seize every schooner found sealing in the Behring's Sea, and send them to Sitka. I returned to the schooner, when the Lieutenant asked me for my guns and spears. He took a breech-loading gun and a muzzle-loader, but refused a French musket which I offered him. He then left with his men, leaving one man on board. The cutter then steamed away. The Lieutenant told me before leaving that I was 65 miles south-east by east from Aonimak Pass. After the cutter left the United States' sailor told me he was in charge, but he never attempted to interfere with the working of the vessel. Some time afterwards he showed me his written instructions, which were that the vessel should proceed to Sitka, and there be handed over to United States' Marshal, and that the captain and mate should be arrested. I then concluded I would not go to Sitka, but would continue my voyage. That night we made some new spears, and next morning commenced hunting as though nothing had happened. We captured fifty seals that day and ninety on the next, kept on hunting until the 17th August, when, having five hundred seals on board, I left for the south. After passing through Aonimak Pass, I told the prize crew I should steer for Victoria. He replied, "I always thought so."

The Indians told me if the United States' sailor attempted to take the vessel to Sitka they would throw him overboard. We arrived in Victoria last evening, and to-day at noon the prize crew came ashore and reported at the American Consulate.

(Signed) VICTOR JACOBSON.

Sworn before me, at Victoria, British Columbia, 2nd day of September, A.D. 1889.

(Signed) ROBERT WARD,

A Justice of the Peace for the Province of British Columbia.

Inclosure 4 in No. 237.

Deputy Governor Sir W. Ritchie to Lord Knutsford.

My Lord,

Ottawa, September 21, 1889.

I HAVE the honour to transmit herewith a copy of an approved Minute of the Privy Council, submitting the affidavit of the master and mate of the British schooner "Juanita," which vessel was seized on the 31st July last by the United States' Revenue-cutter "Rush," together with a copy of the receipt of the captain of the "Rush" for the ship's papers, and a sealed envelope addressed to the United States' District Attorney at Sitka.

Your Lordship will observe that the seizure took place about 80 miles from the nearest land.

I have, &c.

(Signed) W. J. RITCHIE.

Inclosure 5 in No. 237.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, on the 14th September, 1889.

ON a Report dated the 12th September, 1889, from the Minister of Marine and Fisheries, submitting the affidavit of the master and mate of the British schooner "Juanita," which vessel, with her cargo of 620 sealskins, was seized in the Behring's Sea on the 31st July last by the United States' Revenue-cutter "Rush," together with the original receipt of the captain of the "Rush" for the ship's papers, and a sealed envelope addressed to the United States' District Attorney at Sitka; and it will be observed that in this case the captain of the "Rush" has fixed the latitude and longitude at which the seizure took place at 55° 42' north latitude and 170° 40' west longitude, which is about

80 miles from the nearest land, and, as the captain of the "Juanita" defines it, "on the blue waters of the Great Ocean."

The Committee recommend that your Excellency be moved to transmit a copy of this Minute, together with copy of the annexed papers, to the Right Honourable the Secretary of State for the Colonies, for submission to Her Majesty's Government.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Inclosure 6 in No. 237.

Affidavit of the Master and Mate of the British Schooner "Juanita."

WE, the undersigned master and mate of the British schooner "Juanita," hereby affirm and declare :—

That the schooner "Juanita" entered the Behring's Sea on the 2nd day of July, 1889, having on board a crew consisting of four white men and fourteen Indians, all told, with seven canoes and one boat, the said schooner being engaged on a fur-sealing voyage.

That on the 31st day of July, at about 3 A.M., the schooner being at that time in latitude 55° 30' north, longitude 170° 25' west, according to the master's reckoning, the United States' Revenue-cutter "Richard Rush" was discovered a short distance from the vessel. After some delay she (the "Richard Rush") steamed alongside the "Juanita," and the captain requested that the schooner be hove-to, as he wished to board her. In the course of a very short time the schooner was boarded by three officers, the senior of whom inquired from the master with regard to the length of time the vessel had been in the sea, and the number of skins on board. On learning these particulars he (the officer) informed the master of the "Juanita" that he should have to seize his vessel and catch; after which he instructed his boat's crew to tranship the sealskins (620 in number) to the "Richard Rush," which work was immediately proceeded with.

The schooner's master remonstrated with the steamer's officer at the irregularity of this proceeding, pointing out the fact that the vessel was then something like 80 miles from the nearest land, and on the blue water of the Great Ocean, to which the officer replied that he was simply carrying out the orders and instructions of his superiors. He then demanded the schooner's papers and the spears of the Indian hunters, which were given up.

The papers consisted of the schooner's certificate of registration and her clearance. After all the skins had been transhipped, two letters were sent on board the schooner; one (addressed to the master) proved to be a certificate of the seizure, and the other was addressed to the District Attorney of Alaska at Sitka. With these came verbal instructions to the master to proceed with his vessel to Sitka, after which the steamer went on her way.

During the time of these operations the British ensign was flying at the schooner's peak, nor was it hauled down until after the steamer had resumed her course.

(Signed) CHAS. E. CLARKE.
JOSEPH SECORD.

Sworn before me this 2nd day of September, 1889.

(Signed) J. W. SHOTBOLT, *Justice of the Peace.*

Inclosure 7 in No. 237.

Certificate of Seizure.

*United States' Revenue-steamer "Rush," Behring's Sea,
Lat. 55° 42' N., Long. 170° 40' W., July 31, 1889.*

To whom it may concern.

THIS will certify that I have this day seized the British schooner "Juanita," of Victoria, British Columbia, C. E. Clarke, master, for violation of law, section 1956 Revised Statutes, United States, and taken possession of his ship's papers, consisting of registry and clearance.

(Signed) L. G. SHEPARD, *Captain,*
United States' Revenue Marine.

Inclosure 8 in No. 237.

*Captain Shepard, U.S.N., to the United States' District Attorney.**United States' Revenue-steamer "Rush," Behring's Sea,**Lat. 55° 29' N., Long. 166° 15' W, August 6, 1889.*

Sir,

I HAVE the honour to inform you that I have this day in the Behring's Sea, latitude 55° 29' north, longitude 166° 15' west, seized the British schooner "Lily," of Victoria, British Columbia, John Reilly, master, for violation of law, section 1956 Revised Statutes.

I have taken his arms and sealskins, 333 in number, on board the "Rush," for better security, and as I have no officer to spare to place in charge, I have directed the captain to proceed with his vessel to Sitka, Alaska, and on his arrival to set his crew, three white men and twenty-five Indians, at liberty, and to report in person to you; and I have to request that you will take charge of this vessel and her officers, Captain John Reilly and mate, George McDonald, until I can appear in the United States' District Court at Sitka against them.

Very respectfully,
(Signed) L. G. SHEPARD.

Inclosure 9 in No. 237.

Deputy Governor Sir W. Ritchie to Lord Knutsford.

My Lord,

Ottawa, September 23, 1889.

I HAVE the honour to transmit herewith a copy of an approved Minute of the Privy Council of Canada, to which is appended a copy of the sworn statement of the master of the British schooner "Pathfinder," giving particulars of the seizure of his vessel by the United States' Revenue-cutter "Richard Rush," in Behring's Sea, on the 27th August last.

The Canadian Government, as your Lordship will observe, call attention to the irritating and unjustifiable nature of the seizure, and request that suitable redress be demanded from the United States' Government for the wrong inflicted on loyal subjects of Her Majesty.

I have, &c.
(Signed) W. J. RITCHIE.

Inclosure 10 in No. 237.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, on the 14th September, 1889.

ON a Report, dated the 7th September, 1889, from the Minister of Marine and Fisheries, submitting, in connection with the Behring's Sea seizures, the sworn statement of the master of the British schooner "Pathfinder," giving the particulars of the seizure of this vessel by the United States' Revenue-cutter "Richard Rush," in the Behring's Sea, on the 27th August last, and the removal thereto from the "Pathfinder" of 854 sealskins, together with all the rifles, shot-guns, and ammunition on board; the Minister submits also the instructions given the special officer placed on board the "Pathfinder" by the commander of the "Richard Rush," and it will be noticed, however, these were disregarded by the master and crew, as the vessel was navigated to Victoria, British Columbia, instead of Sitka.

The Minister observes that the circumstances which characterize this seizure are no less irritating and unjustifiable than those which have preceded it.

The Committee recommend that your Excellency be moved to transmit a copy of this Minute, together with the papers herewith, to the Right Honourable the Principal Secretary of State for the Colonies, in order to bring to the notice of Her Majesty's Government the particulars of the seizure in question, with a view to seeking from the Government of the United States redress commensurate with the wrong which has in this case been inflicted upon loyal subjects of Her Majesty.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council.

Inclosure 11 in No. 237.

*Statement of Captain O'Leary.**Victoria, British Columbia, August 30, 1889.*

CAPTAIN O'LEARY states that he sailed as master on board the British schooner "Pathfinder," owned by Carne and Munsie, of Victoria. We cleared at Custom-house on the 17th April for a sailing expedition to the North Pacific Ocean and on Behring's Sea. We had fair success, and shipped the early season's catch to Victoria. We entered Behring's Sea on the 1st July, and up to the 27th of that month had taken about 860 skins, the weather being rather unfavourable for sealing up to that time. On the morning of the 29th we sighted the United States' cutter "Richard Rush" in about $57^{\circ} 24'$ north latitude, $172^{\circ} 14'$ west longitude. Commander Shepard ordered me to heave-to; I did so: as there was no wind, escape was impossible. First Lieutenant Tuttle came on board with a boat's crew, and asked me if I was sealing; I told him I was. He asked me how many skins I had on board; I told him I had about 854. He then returned to the Revenue-cutter, and in a short time returned and told me he was going to seize my vessel. I asked him what he was going to seize me for; he said for sealing in Behring's Sea. His men then searched my vessel, and took all the ship's papers, 854 sealskins, 12 rifles and shot-guns, also all shells, cartridges, &c., which were transferred to the cutter "Rush." He put one of his crew on board my vessel, and told me to proceed to Sitka with the "Pathfinder." The "Rush" then steamed away, and I headed the "Pathfinder" south. After we were well out of the Behring's Sea, some of my crew informed the American officer that we were bound for Victoria. He said nothing to me, nor did he offer any objection. As the month of August is our best sealing month, I consider we could easily have taken 3,000 seals in all to the end of the sealing season.

(Signed) W. O'LEARY.

Sworn before me this 31st day of August, 1889.

(Signed) J. W. SHOTBOLT, *Justice of the Peace.*

Inclosure 12 in No. 237.

Captain Shepard, U.S.N., to Mr. Hunter.

*United States' Revenue-cutter "Rush," Behring's Sea,
Lat. $57^{\circ} 24' N.$, Long. $171^{\circ} 55' W.$, July 29, 1889.*

Sir,

YOU are hereby appointed a special officer, and are directed to proceed on board the schooner "Pathfinder," of Victoria, British Columbia, this day seized for violation of section 1956 Revised Statutes of the United States, and assume charge of the said vessel, her officers and crew, twenty white men, all told; excepting the navigation of the vessel, which is reserved to Captain O'Leary, and which you will not interfere with unless you become convinced he is proceeding to some other than your port of destination, in which event you are authorized to assume full charge of the vessel. Everything being in readiness, you will direct Captain O'Leary to make the best of his way to Sitka, Alaska, and upon arrival at that port you will report in person to the United States' District Attorney for the District of Alaska, and deliver it to him, the letter so addressed, the schooner, her outfit, and the persons of Captain William O'Leary and mate, A. Davidson, and set the crew at liberty.

After being relieved of the property and persons intrusted to your care, you will await at Sitka the arrival of the "Rush."

Respectfully, &c.
(Signed) L. G. SHEPARD.

Inclosure 13 in No. 237.

Deputy Governor Sir W. Ritchie to Lord Knutsford.

My Lord,

Ottawa, September 24, 1889.

I HAVE the honour to forward herewith a copy of an approved Minute of the Privy Council, submitting a copy of the affidavit of the master of the British sealing-schooner "Lily," which vessel was seized in Behring's Sea by the United States' Revenue-cutter "Richard Rush" on the 6th ultimo, about 60 miles from the nearest land, together with a copy of the certificate of seizure signed by the captain of the "Richard Rush," and a sealed communication addressed to the United States' District Attorney at Sitka.

I have, &c.
(Signed) W. J. RITCHIE.

Inclosure 14 in No. 237.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, on the 18th September, 1889.

ON a Memorandum, dated the 18th September, 1889, from the Minister of Marine and Fisheries, submitting the affidavit of the master of the British sealing-schooner "Lily," which vessel was on the 6th day of August last in the Behring's Sea (latitude 55° 29' north, longitude 166° 15' west), distant about 60 miles from the nearest land, with her cargo of 333 sealskins, seized by the United States' Revenue-cutter "Richard Rush," also the certificate of seizure signed by L. G. Shepard, captain of the "Richard Rush," and a sealed communication addressed to the United States' District Attorney, District of Alaska, Sitka, given to the master of the "Lily" for delivery on his arrival at Sitka, whither he was ordered to proceed, which order, however, he disregarded, and sailed to Victoria.

The Committee advise that your Excellency be pleased to forward copies of the inclosures to the Right Honourable the Principal Secretary of State for the Colonies, for submission to Her Majesty's Government.

All which is respectfully submitted for approval.

(Signed)

JOHN J. MCGEE,
Clerk, Privy Council.

Inclosure 15 in No. 237.

Declaration of John Reilly.

In the matter of the seizure of the sealing schooner "Lily" by the United States' Revenue-cutter "Richard Rush," on the 6th day of August, A.D. 1889.

I, JOHN REILLY, of the city of Victoria, British Columbia, master mariner, do solemnly and sincerely declare that:

I am a master mariner, and was at the time of the occurrences hereinafter mentioned, and still am, the master of the schooner "Lily," of the port of Victoria, British Columbia.

On the 6th day of August, A.D. 1889, whilst I was on board and in command of the said schooner, and she then being on a sealing expedition, and being in latitude 55° 29' north and longitude 166° 15' west, and at a distance of about 66 miles from nearest land, the United States' Revenue-cutter "Richard Rush" overhauled the said schooner.

I was first boarded by the First Lieutenant, who was armed, and who asked me how many skins I had on board. I replied that he should find out himself, and said that if he wanted to see the schooner's papers I would show them to him, and would render him assistance should he want to search the schooner for contraband goods; but I would not acknowledge his right to seize me for sealing on the high seas.

The First Lieutenant then returned to the cutter, and in a short time returned, accompanied by another boat of the cutter, which was in charge of the Second Lieutenant.

They both came on board, and the First Lieutenant demanded of me the surrender of the schooner, and asking at the same time for the schooner's papers. This I at first declined to do, and the First Lieutenant said unless I gave the schooner's papers to him at once, he would take them by force. I then gave him the schooner's papers, consisting of registry, coasting licence, and clearance.

The First Lieutenant then ordered both boats' crew to search the schooner, and they took from my schooner 333 sealskins, all in good order.

He then asked me if I would give him two sacks of salt. I told him that it would be useless for me to refuse, as he could take them by force, so I told him to go ahead and help himself.

He then gave me two letters, the contents of which were unknown to me at the time, one of them being sealed, and the contents of which is still unknown to me, the other certifying that he had seized the schooner "Lily" for violation of the United States' laws, and taken possession of the schooner's papers.

He then told me to proceed to Sitka, Alaska. I asked him if he wanted me to go to Victoria or Sitka, Alaska; to which he replied that he had nothing to say, but had simply told me his orders.

My crew at this time consisted of a mate, George McDonald, and three white men and twenty-five Indian hunters.

The Indian hunters said they would not proceed to Sitka, and, to avoid further

trouble, I directed the schooner's course for Victoria, and arrived here the 1st day of September, at 7 o'clock P.M.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of "The Oath Ordinance, 1869."

(Signed) JOHN REILLY.

Declared at the city of Victoria, British Columbia, this 11th day of September, 1889, before me.

(Signed) J. W. SHOTBOLT, *Justice of the Peace.*

I hereby make oath that the above declaration is true as far as I know of.

(Signed) GEORGE McDONALD.

Declared at the city of Victoria, British Columbia, this 11th day of September, 1889, before me.

(Signed) J. W. SHOTBOLT, *Justice of the Peace.*

Inclosure 16 in No. 237.

Certificate of Seizure.

*United States' Revenue-cutter "Rush," Behring's Sea,
Lat. 55° 29' N., Long. 166° 15' W., August 6, 1889.*

To whom it may concern.

THIS will certify that I have this day seized the British schooner "Lily," of Victoria, British Columbia, John Reilly, master, for violation of law (section 1956 Revised Statutes), and taken possession of his ship's papers, viz., certificate of registry, coasting licence, and clearance.

(Signed) L. G. SHEPARD, *Captain,
United States' Revenue Marine.*

No. 238.

Colonial Office to Foreign Office.—(Received October 25.)

(Extract.) *Downing Street, October 24, 1889.*

WITH reference to previous correspondence respecting the seizure of British vessels in Behring's Sea, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, inclosing an approved Minute of his Privy Council submitting a Report of the Minister of Marine and Fisheries on the subject.

Inclosure 1 in No. 238.

Deputy-Governor Sir W. Ritchie to Lord Knutsford.

My Lord,

Ottawa, September 23, 1889.

WITH reference to your Lordship's telegram of the 18th ultimo, stating that Her Majesty's Government would be in a stronger position for dealing definitely with Behring's Sea cases if the appeals on 1886 seizures were pushed on, I have the honour to forward herewith a copy of an approved Minute of the Privy Council, submitting a Report of the Minister of Marine and Fisheries upon the subject.

I have, &c.
(Signed) W. J. RITCHIE.

Inclosure 2 in No. 238.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, on the 16th September, 1889.

THE Committee of the Privy Council have had under consideration a cable despatch, dated the 18th August, 1889, from Lord Knutsford, intimating that Her Majesty's

Government considers that it would be in a stronger position for dealing definitely with Behring's Sea cases if appeals in 1886 seizures were pushed on, and the despatch goes on to say: "It is very unusual to press for diplomatic redress for a private wrong as long as there is a reasonable chance of obtaining it from the Tribunals of the country."

The Minister of Marine and Fisheries, to whom the cable despatch was referred, submits the annexed Report, in which the Committee concur.

The Committee recommend that your Excellency be moved to forward a copy hereof and the annexed papers to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE, Clerk,
Privy Council.

Inclosure 3 in No. 238.

Mr. Tupper to the Governor-General in Council.

Ottawa, September 9, 1889.

THE Undersigned has the honour to report that he has had before him a cable despatch from Lord Knutsford to your Excellency, dated the 18th August, 1889.

This despatch intimates that Her Majesty's Government considers that it would be in a stronger position for dealing definitely with Behring's Sea cases if appeals in 1886 seizures were pushed on. The despatch goes on to say: "It is very unusual to press for diplomatic redress for a private wrong as long as there is a reasonable chance of obtaining it from the Tribunals of the country."

The Undersigned desires to call attention to some of the correspondence which has already taken place upon this subject.

It will be recollected that in July 1887 Her Majesty's Principal Secretary of State for the Colonies expressed the desire of the Marquis of Salisbury that before any further representations are made to the United States' Government with a view to obtaining reparation, that Her Majesty's Government should be in possession of the record of the judicial proceedings in the District Court in Alaska.*

Copies of records in United States' District Court for the District of Alaska in the cases of "Onward," "Carolena," and "Thornton" were duly forwarded in August 1887.† In acknowledging their receipt, the Marquis of Salisbury said: "I have further to request that you will endeavour to ascertain and report to me when it is probable that the appeals referred to in your despatches of the 2nd April, 1887, and of the 6th May, 1887, respectively, of the owners of the American ships which were seized on similar grounds, will come on for hearing, and whether any arrangement has been or can now in your opinion advantageously be made between the owners of the British and American vessels on the one side and the Government of the United States on the other, that one of these cases should be regarded as a test case, by which, in so far as the American legal Tribunals are concerned, the remaining cases might be held to be concluded.

"It must, however, be clearly understood that any such arrangement, if made, would only affect the legal remedies which were open to the masters and owners of these vessels in the American Courts, and would in no degree limit the right of Her Majesty's Government, after all such legal remedies were considered to be exhausted, to intervene through diplomatic channels and on international grounds on behalf of such masters or owners."

The suggestion, that the United States should agree to a test case for submission to the United States' Supreme Court, was never acted upon. The cases of the United States' vessels referred to in this despatch as having been seized under circumstances similar to those of the British vessels were discontinued by consent of Counsel representing both private owners and the United States' Government.

No suit is, therefore, now pending before the Tribunals of the United States, with the exception of the case of the "W. P. Sayward," a British ship, as hereinafter explained.

In January 1887, it appears the authorities in Washington directed the release of the "Onward," "Carolena," and "Thornton," the 1886 seizures referred to in the cable message under consideration.

Upon this subject an extract from a letter, dated the 17th August, 1889, from Mr. A. L. Belyea, Attorney for the owners of the vessels above referred to, and addressed to them, is appended to this Report.‡

* Sir H. Holland, July 14, 1887.

† The Marquis of Salisbury to Sir L. West, August 10, 1887.

‡ Appendix (A).

In the year 1888, the Canadian Government having inquired whether the vessels seized could be bonded without imposing on the owners the obligation to appeal, correspondence took place between the British and the United States' authorities, and upon the 21st day of June a Confidential despatch was received by Lord Stanley from Lord Knutsford, inclosing a Memorandum, dated the 28th May, 1888, which Sir L. S. West had received. This Memorandum is as follows:—

"Memorandum.

"In the cases of the condemned Behring's Sea vessels and their cargoes, it appears that the Proctor for some (and possibly all) of the British sealers failed to take an appeal from the Decrees of Condemnation entered by the District Court at Sitka. Consequently, they have lost the benefit of the Attorney-General's Order permitting release of the property on bond pending decision of the appeals, and, as the Decrees have become final, have no other than a diplomatic remedy."

It would, therefore, appear that Her Majesty's Government were advised in 1888 that no appeal could be taken in the matter of the seizures of 1886.

One vessel only of all those seized in the different years was released upon a bond of security for costs of an appeal being given, viz., the "W. P. Sayward," the circumstances attending which transaction are explained in Appendix (B).

The United States' Marshal at Sitka was directed to take the remaining schooners (at that time in possession of the United States' authorities, viz., the "Grace," "Dolphin," "Anna Beck," and "Ada") to Buget Sound for immediate sale.

The owners of the "Anna Beck," "Grace," and "Dolphin," seized in 1887, having been refused leave to appeal, permission was asked for bonding their vessels at appraised value, and to have the sale then about to take place postponed pending the settlement of the question.

After representation had been accordingly made, Mr. Bayard informed Sir L. S. West that the Acting Attorney-General had directed the postponement of the sale, and had instructed the United States' Marshal to receive bonds in lieu of the vessel.

Mr. Bayard subsequently inclosed, under cover to Sir L. S. West, letters from the United States' Marshal for the District of Alaska, in which he reported that the original appraisement of these vessels was excessive, and that the value had still further deteriorated in consequence of the climate of Alaska. For these reasons the owners of all these vessels, with the exception of the owners of the "Anna Beck," refused to bond them at the old appraisement. The owner of the "Anna Beck" alone was willing to give a bond at the original appraisement, subject to a final settlement of the matter without necessitating an appeal to the Supreme Court of the United States.

Accordingly, the Government of Canada requested the British Government to move the United States' authorities to authorize the reappraisement in the cases of the "Grace" and "Dolphin," and to sanction the bonding of the "Anna Beck" in the manner proposed.

After much delay, it was intimated that the sale of these vessels would be proceeded with, and a reappraisement and bonding as above would not be sanctioned by the United States' authorities.

From the correspondence herein reviewed, it will thus be seen that the only appeal in the Canadian case from the Judgment of the Court of First Instance which has been preferred is in the case of the "W. P. Sayward," seized in 1887.

This case has been duly inscribed in the Supreme Court of the United States for nearly a year, and, on inquiry, the Undersigned learns that it will not be reached in its turn for argument for another year from this date. It further appears that the suits regarding the United States' vessels seized under similar circumstances have been discontinued; that no test case was ever agreed upon; and that the United States' Government would not sanction the release and bonding of the seized vessels pending a settlement of the question.

The owners of the "W. P. Sayward" having to await the almost endless delays attending the arguments and decision of a case in the Supreme Court of the United States, the question whether an appeal lies in such a case being also involved, and the administration of that country evincing no desire to reach an early decision in their Appellate Court upon the question at issue, the Undersigned hopes that Her Majesty's Government will not consider that the just demands of the Canadian Government should not be pressed until the case of the "W. P. Sayward" is disposed of.

The decision of the Court in the District of Alaska in the case of the "Dolphin," a case similar to all of the rest, proceeded upon the one ground, viz., that Behring's Sea was

ceded to the United States by Russia, and that the title in Russia at that time was exclusive.*

It will be observed that none of the seizures in Behring's Sea forming the subject of correspondence between Her Majesty's Government and that of the United States involve the investigation of complicated facts. There is no pretension that any vessel seized was within the 3-mile or territorial limit. The sole question is the claim of the United States to the exclusive control over that part of the North Pacific Ocean known as the Behring's Sea.

The Undersigned submits that the fact that Russia once raised the same point does not establish on the part of the United States even a *prima facie* case, especially in view of the attitude of the latter country when such a claim was put forward by Russia.

So long ago as July 1888, the views of the Canadian Government regarding the propriety of owners of seized vessels assuming the obligation and responsibility of appealing from the decision of the District Court of Alaska were communicated to the Right Honourable the Secretary of State for the Colonies.

The Report of that date dealt with a despatch of the 9th March, 1888, from Her Majesty's Minister at Washington, relative to the then pending proceedings in the cases of the Canadian sealers seized in Behring's Sea.

The Committee deemed the obligation sought to be imposed upon the owners of Canadian vessels seized in the Behring's Sea of appealing from the decision of the Magistrate at Sitka was "obviously one which cannot with justice or propriety be enforced." The Report went on to say that "some doubts exist as to the right of appeal; and if it should be held that no appeal will be, the bonds will be forfeited. Apart from this risk, however, which the owners of the vessels are asked to take upon themselves, it appears that the giving of bonds of such a nature would involve the admission that the Courts of the United States had jurisdiction in regard to the seizures, and that the Laws of the United States applied in the cases of these vessels. Such propositions could by no means be admitted. The vessels had not entered within the waters over which the Laws of the United States extend, and over which the Executive or Judiciary of that country have any authority.

"The vessels in question were molested in their lawful occupation on the high seas, and were seized by vessels in the service of the United States, but possessing no right whatever to molest the people of Canada or their property on the ocean.

"Similar outrages have been committed in the preceding year, and the vessels seized then were ordered to be surrendered by the United States' authorities. In the present cases, therefore, the repetition of such acts of violence was a proceeding for which the owners of the vessels have the right to expect that Her Majesty's Government will demand and exact redress. They should not be asked to seek that redress in the Courts of any foreign country whatever: the Courts of the United States have no more cognizance of their complaint than the Court of any other foreign country."

The Undersigned is not aware that Her Majesty's Government at any time previous to the cable message now under consideration intimated that the above ground was not well taken. On the contrary, previous to the receipt of this cable message the particulars of every seizure had been furnished by the Canadian Government to Her Majesty's Government, the opinion of the Law Officers of the Crown had been obtained by Her Majesty's Government, advising that the claims could be pressed, and the Marquis of Salisbury had in a despatch of the 10th September, 1887, to Sir L. S. West, dealt fully with the claim set up by the Administration of the United States in connection with these seizures, in which he stated: "Her Majesty's Government have carefully considered the transcript record of the Judicial proceedings in the United States' District Court in the several cases of the schooners 'Carolena,' 'Onward,' and 'Thornton,' which were communicated to you in July, and were transmitted to me in your despatch of the 12th of that month, and they cannot find in them any justification for the condemnation of these vessels."

It is to be remembered that these are the seizures of 1886, to which the cable message has special reference.

The following vessels, while pursuing their lawful occupation in the North Pacific Ocean, have been wantonly seized and molested by Revenue-cutters of the United States: "Carolena," 2nd August, 1886; "Onward," 2nd August, 1886; "Thornton," 2nd August, 1886; "W. P. Sayward," 9th July, 1887; "Dolphin," 12th July, 1887; "Anna Beck," 2nd July, 1887; "Grace," 17th July, 1887; "Ada," 25th August, 1887; "Alfred Adams," 6th August, 1887 (escaped); "Black Diamond," 11th July, 1889 (escaped); "Pathfinder," 27th August, 1889; "Minnie," 15th July, 1889; besides the "Favorite,"

* See Report, Governor of Alaska, 1887.

warned off under threat of seizure, 2nd August, 1886; and the "Triumph," searched 11th July, 1889.

In every instance, as already stated, the Canadian Government has placed Her Majesty's Government promptly in possession of the information in its possession, and it is with much regret that, at this date, when the period for appealing has long since expired in the case of the seizures of 1886, the Undersigned learns that any further steps are considered necessary to strengthen the demand made in 1886 upon the United States' Government, more especially in view of similar outrages now being daily perpetrated.

With deference, the Undersigned further submits that the intimation in the cable despatch above mentioned is somewhat unusual under the circumstances which attended the seizure of the ships in question.

If the alleged infraction of the Laws of the United States had occurred in the waters over which that country is or was entitled to exercise jurisdiction, the Courts of the United States could with propriety be first resorted to before pressing any claim for the immediate attention of the Executive.

In view of the firmness with which the rights of British subjects on the high seas have been maintained in the past, the Undersigned fails to appreciate not merely any reason for the long delay in obtaining satisfaction from the aggressive and hostile action exercised against British subjects and British property by the United States, but also for the wanton continuance of this treatment from which so much direct and indirect damage and loss is sustained by one of Her Majesty's Colonial Possessions. Moreover, the Undersigned would call attention to the imminent danger of loss of life, not to speak of the physical suffering already sustained, since it requires no argument to show that the lawless violence on the part of the Revenue-cutters of the United States' Government may at any time lead to forcible resistance from the crews of British vessels being pursued and molested in their lawful pursuits.

The Undersigned, therefore, recommends that his Excellency the Governor-General be moved to acquaint the Right Honourable the Secretary of State for the Colonies with these views, and to urge that no further time be permitted to elapse without securing for British subjects in Canada the same freedom in the navigation and enjoyment of the waters of the Behring's Sea which the United States claimed for the seamen of all nations when the territory adjacent to that part of the Pacific Ocean belonged to the Empire of Russia.

Respectfully submitted.

(Signed)

CHARLES H. TUPPER,
Minister of Marine and Fisheries.

Appendix (A).

Re Behring's Sea Seizures.

To Captain John G. Cox and William Munsie, Esq.,
Victoria, British Columbia.

Gentlemen,

Victoria, August 17, 1889.

In reference to the orders issued by the United States' Government for the release of the British schooners "Carolena," "Onward," and "Thornton," seized in Behring's Sea in 1886, and since detained at Ounalaska, I received in August last from the United States' Marshal, Atkins, of Alaska, the following letters:—

"A. L. Belyea, Esq., Victoria.

"District of Alaska, Office of United States' Marshal,

"Dear Sir,

"Sitka, August 4, 1888.

"In reply to your letter of the 17th July, I have the honour to state that in the month of February 1887 the officers of the District Court of this district received a despatch purporting to be from the United States' Attorney-General, directing the release of the schooners 'Onward,' 'Thornton,' and 'Carolena,' but, on what was then deemed sufficient evidence, the despatch was thought to be a forgery, and no action was taken in the matter until the receipt in October last of another despatch from the Honourable Attorney-General, as follows:—

"'Let the vessels "Carolena," "Onward," and "Thornton" be released, as ordered in mine of the 6th January last."

"On the receipt of the above despatch I gave notice thereof to Captain J. D. Warren

and to Mr. C. Spring, of Victoria, owners of two of the vessels, and should have given like notice to the owner of the 'Carolena' had I known his address and name. I requested Captain Warren to notify all owners at Victoria, and Mr. Spring published the notice I gave him in the Victoria papers. This I deemed sufficient notice to all the parties concerned. I have not received any order from Washington other than above mentioned.

"Very respectfully,
(Signed) "BARTON ATKINS,
"United States' Marshal."

The following copy of the despatch referred to in Marshal Atkins' letter, and of the order made thereon by Judge Dawson, of the United States' District Court, Alaska, I obtained shortly afterwards from the official records at Sitka:—

"To Judge La Fayette Dawson and M. D. Ball,
"United States' District Attorney, Sitka, Alaska.

"Washington, January 26, 1887.
"I am directed by the President to instruct you to discontinue any further proceedings in the matter of the seizure of the British vessels 'Carolena,' 'Onward,' and 'Thornton,' and discharge all vessels now held under such seizure, and release all persons that may be under arrest in connection therewith.

(Signed) "A. H. GARLAND, *Attorney-General.*"

"Copy of Order.

"To Barton Atkins, United States' Marshal for
"District of Alaska.

"You are hereby directed to release the vessels 'Carolena,' 'Onward,' and 'Thornton,' and 'San Diego,' which were seized in Behring's Sea for violation of section 1956 United States' Statutes, together with their tackle, apparel, skins, guns, ammunition, small boats, and everything pertaining to said vessels.

"This 10th day of February, 1887.

(Signed) "LA FAYETTE DAWSON, *District Judge,*
"District of Alaska."

About the time I received the above letter I met the Marshal in this city, and asked him why no official notice of the release of these schooners had been given to the owners. In reply, he said he thought it had been done, but if not he would attend to the matter on his return to Sitka. Such notice not coming to hand as expected, I, on the 16th October following, wrote the Marshal as follows:—

"Barton Atkins, Esq., United States' Marshal,
"Sitka, Alaska.

"My dear Sir, "Victoria, British Colombia, October 16, 1888.

"You may remember a conversation I had with you when in Victoria in reference to the non-receipt of official notice of the release of the schooner 'Carolena' at Ounalaska by her owners. At their request I have to ask that you will kindly forward the same to me by return mail. The owners, as you may notice on referring to the records of the Court, are Munsie and Co. (Munsie and Co.) of this city.

"I am, &c.
(Signed) "A. L. BELYEA,
"Attorney for Munsie and Co."

By return mail I received from the Marshal a letter, saying that official notice had been sent to the owners of the "Carolena," with an order directing the Deputy Collector at Ounalaska to deliver the vessel to the owners, which notice and order are to be found on pp. 7 and 8 of Mr. Milne's statement. Thus it was that not till nearly two years after the Washington authorities ordered the release of this vessel, and then only after asking for it was such notice received; and to this day the owners of the "Thornton" and "Onward" have received no such official notice or order for delivery, and could not, if they so desired, obtain possession of their vessels.

The telegram ordering the release was received at Sitka on the 9th February, 1888. The vessels were then under order for sale, which order Judge Dawson immediately

revoked, and on the 19th of same month made the order for the release above recited. This order was given to the Marshal, but for the reasons apparently mentioned in the Marshal's letter to me of the 4th August, 1888, the matter dropped.

The officials at Sitka took no steps to find out whether the telegram was genuine or not, nor did they, so far as I can learn, ever acknowledge or notify the Washington authorities of its receipt. This shuffling on the part of the Court Secretary calls "some misconception and mistake," but those who know and have felt the power of the Alaska Commercial Company in Alaska call it a vastly different name.

Appendix (B).

*Extract of a Letter from Mr. A. L. Belyea to the Deputy Minister of Fisheries,
May 23, 1888.*

"The [the owner] had gone to Sitka to secure, if possible, the release of all the schooners seized in 1887, viz., the "Grace," "Dolphin," "Anna Beck," "W. P. Sayward," and "Ada." The bond on release was conditioned on prosecuting an appeal from the Alaska District Court to the Supreme Court of the United States. The formal motion thus became one for leave to perfect an appeal, and such motion for each of the vessels was made on the 14th April last before Judge Dawson at Sitka, and in every case refused, on the grounds that the time for allowing an appeal had expired. Captain Warner's Counsel then applied for a record of the order refusing leave to appeal. This was on Saturday. On Monday following, April the 16th, without any application therefor by the defendant or any one on his behalf, Judge Dawson offered to rescind the order of Saturday in the case of the "W. P. Sayward," and release her to the owners. She was then lying at Puget Sound, under an order for sale on that day. The offer was accepted (contrary, as Captain Warren says, to the expectation of the United States' authorities at Sitka), and the order of the previous Saturday rescinded, and leave granted to appeal. I am not informed as to the amount of the bond."

Appendix (B 2).

[This is identic with Appendix (A) from Mr. Atkins' letter of August 4, 1888, to the end.]

No. 239.

Mr. Edwardes to the Marquis of Salisbury.—(Received October 28.)

My Lord,

Washington, October 9, 1889.

WITH reference to the question of appeals filed in the Supreme Court by owners of sealers in Behring's Sea, of which up to now it has been believed that there were none but the case of the "W. P. Sayward" *v.* the United States, I have the honour to inclose a copy of a Memorandum which I have received from Mr. Calderon Carlisle on the subject of an appeal, viz., "The schooner 'Sylvia Handy' *v.* the United States," which, it appears, had escaped the notice of even the Clerk of the Court, in spite of the many applications which have of late, under the direction of Her Majesty's Legation, been made.

I shall not fail to secure copies of the record, should it be printed.

I have, &c.

(Signed) H. G. EDWARDES.

Inclosure in No. 239.

Memorandum as to the Case of the Schooner "Sylvia Handy" v. the United States.—
(October Term, 1889, No. 683.)

THE Clerk of the Supreme Court telephoned me yesterday that he had discovered the above appear on the docket of the Court, of which he knew nothing on my last visit there. The record, which I have examined, is practically the same as that in the case of the "Sayward." It seems to have been filed on the 16th June, 1888. Mr. McKenna, Member of Congress from California, entered his appearance to secure the filing of the record, but the real Counsel in the case is Mr. Howell L. Powell, 207, Sansome Street, San Francisco, California.

The Clerk's attention was called to this case by the visit of local Counsel yesterday, to learn the expense of printing the record in the case. There is included in the record a brief for claimants, which discusses the pretensions of Russia in Behring's Sea. The schooner's cargo consisted of 1,679 skins, and the schooner and her cargo were appraised at 12,673·25 dollars.

The schooner is described as of San Francisco, appears to be registered in the United States; and there is a certificate of deposit of some of her papers with the United States' Consul at Victoria, British Columbia. The capture was made 17 miles from Cape Cheerful in 54° 12' north, 166° 50' west. The vessel was captured on the 2nd September, 1887, with forty-two unskinned seals on deck.

(Signed) C. CARLISLE.

Washington, October 1, 1889.

No. 240.

Mr. Edwardes to the Marquis of Salisbury.—(Received October 28.)

My Lord,

Washington, October 15, 1889.

I HAD the honour to receive your Lordship's telegram of the 14th instant, in which, with reference to my despatch of the 12th instant, you informed me that the unofficial assurance given to Her Majesty's Government by Mr. Bayard that no further seizure of British vessels in Behring's Sea should take place pending the discussion of the points at issue between Her Majesty's Government and that of the United States, which was referred to in your Lordship's despatch of the 2nd October, was the assurance which was given unofficially by the United States' Minister in London and also by Mr. Bayard to Sir L. West in the month of April last year.

With the view of removing any misconception on the part of Mr. Blaine owing to the reply I had given to his inquiry when reading your Lordship's above-mentioned despatch to him, that I believed the assurance referred to was given by Mr. Bayard in a letter addressed to Sir L. West, and that the letter would be found in the printed correspondence on the subject which was laid before Congress this year, I wrote to Mr. Blaine a letter, a copy of which I have the honour to inclose, in accordance with the information with which your Lordship did me the honour to furnish me in your telegram above referred to.

I have, &c.

(Signed) H. G. EDWARDES.

Inclosure in No. 240.

Mr. Edwardes to Mr. Blaine.

My dear Mr. Blaine,

Washington, October 14, 1889.

WHEN I had the honour to read to you on Saturday, the 12th instant, two despatches addressed to me by the Marquis of Salisbury on the subject of the seizures of British sealers in Behring's Sea, you inquired of me, when I reached the passage which runs as follows: "Mr. Bayard did, indeed, communicate to us, unofficially, an assurance that no further seizures of this character should take place pending the discussion of the

questions involved between the two Governments," if I could tell you in what way this assurance was unofficially communicated to Her Majesty's Government.

I replied that I believed it had been so communicated in a letter addressed by Mr. Bayard to Sir L. West, and that that letter would be found in the printed correspondence on the subject laid before Congress this year.

I have since learnt that the assurance which Lord Salisbury had in mind when writing the despatch I read was not that to which I referred in my reply to you, but was an assurance communicated unofficially to his Lordship by the United States' Minister in London and also by Mr. Bayard to Sir L. West in the month of April last year.

I have, &c.

(Signed) H. G. EDWARDES.

No. 241.

Foreign Office to Colonial Office.

Sir, *Foreign Office, November 2, 1889.*

I HAVE laid before the Marquis of Salisbury Mr. Meade's three letters of the 24th ultimo, with their inclosures, relating to the question of the seizures of British sealing-vessels by the authorities of the United States in the waters of Behring's Sea.

In reply, I am directed by his Lordship to request that you will state to Lord Knutsford that copies of all these papers will be forwarded at once to Her Majesty's Minister at Washington.

I am to suggest that the Governor-General of Canada should be informed that Sir Julian Pauncefote, before leaving for his post, was instructed to take the earliest opportunity of discussing the question with Mr. Blaine.

Lord Salisbury proposes to await Sir Julian's Report before deciding as to what further steps should be taken in the matter.

I am, &c.

(Signed) T. H. SANDERSON.

No. 242.

The Marquis of Salisbury to Sir J. Pauncefote.

Sir, *Foreign Office, November 5, 1889.*

I HAVE received Mr. Edwardes' despatch of the 15th ultimo, forwarding copy of the private letter which he addressed to Mr. Blaine respecting the unofficial assurance given to Her Majesty's Government that no further seizure of British vessels in Behring's Sea should take place pending the discussion of the points at issue between the two Governments.

I have to inform you that Mr. Edwardes' action in this matter is approved by Her Majesty's Government.

I am, &c.

(Signed) SALISBURY.

No. 243.

Sir C. Lampson and Co. to Foreign Office.---(Received November 7.)

Dear Sir, *64, Queen Street, London, November 6, 1889.*

WE addressed Lord Iddesleigh on the 12th November, 1886, on the subject of the Behring's Sea seal fishery.

Since that time the number of sealing-vessels, mostly owned in British Columbia, has steadily increased, and this year, owing to the high prices obtainable for the skins, as many as fifty schooners, some of them fitted with steam, and amply provided with fire-arms, have been engaged in the capture of female seals.

It is estimated that their catch this season will amount to no less than 40,000 skins. This number does not include the many animals killed or mutilated, but not retrieved.

Now, if this indiscriminate slaughter of female seals cannot be stopped, or at all events restricted, by some International Agreement (as to a close time, for instance), the animal will, before many years are over, become extinct, and a large industry, in which Great Britain is deeply interested, will be lost.

Already there are unmistakable signs that the number of seals annually visiting the two breeding islands in the Behring's Sea is decreasing, for from Reports lately to hand, we learn that the Superintendent on the islands, which are leased from the United States' Government by the Alaska Commercial Company of San Francisco, has this year found considerable difficulty in obtaining the usual quantity of desirable male seals, and estimates that the herd has decreased fully one-third in the last ten years.

In submitting these facts to you, we would urge the importance of arriving at a speedy settlement of this question before it is too late.

We are, &c.
(Signed) C. M. LAMPSON AND Co.

No. 244.

Colonial Office to Foreign Office.—(Received November 8.)

Sir, *Downing Street, November 8, 1889.*

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Deputy-Governor of Canada relating to the question of the Behring's Sea seizures, from which it appears that the High Commissioner for Canada is to be instructed to place himself in communication with Her Majesty's Government, with the object of expediting a satisfactory settlement of the general question.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 244.

Sir W. J. Ritchie to Lord Knutsford.

My Lord, *Ottawa, October 23, 1889.*

I HAVE the honour to forward herewith a copy of an approved Minute of the Privy Council, having reference to the course which the owners of British schooners seized in Behring's Sea by the United States' cutter "Rush" proposed to follow in the event of Captain Sheppard's arriving at Victoria.

Your Lordship will note the recommendation of the Minister of Marine and Fisheries, that the High Commissioner be instructed to place himself in personal communication with Her Majesty's Government, with the object of expediting a satisfactory settlement of the general question of seizures in Behring's Sea.

I have, &c.
(Signed) W. J. RITCHIE, *Deputy-Governor.*

Inclosure 2 in No. 244.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 18th October, 1889.

ON a Report, dated the 12th October, 1889, from the Minister of Marine and Fisheries, stating that the following telegram has been received from Messrs. Carnie and Munsie, of Victoria, British Columbia, on behalf of parties interested in the fur-seal fisheries of Behring's Sea :—

"Cutter 'Rush' expected here. Owners of seized schooners think of holding Captain Sheppard to bail in action for damages. What do you advise?"

To which the Minister replied as follows:—

"Telegram yesterday received. Cannot advise under present circumstances, but I do not anticipate any beneficial result from such a course."

The Minister submits that, while his reply discouraged the action contemplated by the parties interested, it is quite competent for any British subject to institute such proceedings under the Law of Canada.

The Minister desires to refer to a newspaper cutting, herewith annexed, taken from the "Ottawa Citizen," purporting to be a report of a reply by Captain Sheppard, of the United States' Revenue-cutter "Richard Rush," to an inquiry whether he had any knowledge of the intention indicated in the above telegram.

The Minister, with reference to the information supplied from time to time to the Imperial Government on the subject of the seizure of British vessels in the Behring's Sea, and to the great national importance of the earliest possible settlement of the question, owing not only to the continuation of the outrages during the past season by United States' Revenue-cutters, but to the growing doubt on the part of the Canadian people as to whether Her Majesty's Government will actively support the demands of the Dominion of Canada in consequence of the long delay which has taken place in arriving at a satisfactory adjustment of the question, recommends that the High Commissioner for Canada in London be directed to place himself in personal communication with Her Majesty's Government, with the object of expediting in any way he may be able to do a speedy and satisfactory settlement of the question.

The Committee advise that your Excellency be moved to forward a copy of this Minute to the Right Honourable the Secretary of State for the Colonies, and that a copy be also sent to the High Commissioner for Canada.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE, *Clerk,*
Privy Council.

Inclosure 3 in No. 244.

Extract from the "Ottawa Citizen" of October 12, 1889.

Seattle, Washington, October 11, 1889.

THE United States' Revenue-cutter "Rush" arrived here yesterday from Alaska. Lieutenant-Commander Sheppard was interviewed regarding rumours current here that British Columbians were lying in wait for him to punish him for seizing their schooners. The Commander smiled, and said he had not heard of any such threats until he had read them in the papers on his arrival at Fort Townsend. He said that he did not believe anything of the kind had been uttered, and the statement must have come from irresponsible persons. If there was any truth in it, and he could have been apprised of it in time, he would have steamed into Victoria, and have shaken the American flag in the face of the Victorians. He said he was on good terms personally with the prominent men in Victoria, and did not believe that any indignity to an American Government ship would be countenanced by the people of Victoria.

No. 245.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received November 11.)

My Lord,

Washington, October 31, 1889.

I HAVE the honour to inclose herewith copies of an article which has appeared in a San Francisco newspaper on the subject of the seizures in Behring's Sea, which maintains the exclusive jurisdiction of the United States in that sea. The article is written by Mr. Felton, one of the representatives for the State of California in Congress.

An answer to this (copies inclosed) appeared in the New York "Evening Post," the

author of which is Mr. Robert Rayner, who has already written a very able letter on this subject.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

Inclosure 1 in No. 245.

Extract from the "San Francisco Argonaut" of August 12, 1889.

THE QUESTION OF BEHRING'S SEA.

(By Charles N. Felton.)

[The annexed article, by the Honourable Charles N. Felton, Member of Congress, will be found of much interest, particularly at this time. Mr. Felton is thoroughly conversant with the subject, as he was a member of the Conference Committee between the Senate and the House which caused the passage of the Bill amendatory of the Laws regulating the fur-seal fisheries in Behring's Sea. This Bill was passed during the closing hours of the Cleveland Administration.—EDS.]

IN view of the fact that the Government of the United States has seized the British schooner "Black Diamond," confiscated the vessel and cargo, as required by our Statutes, for evasion or infringement of our laws, and that our right to do so is questioned, and perhaps may become an international question, it occurs to me that a statement of the facts upon which is based our rights and title would not be uninteresting to your readers; hence, I will attempt to give them such a statement.

The title of the United States to Alaska and the Behring's Sea was acquired from Russia by the Treaty of Cession made in 1868, in which she "ceded and conveyed all the rights, franchises, privileges now belonging to Russia in the ceded territory or dominion, and appurtenances thereto;" the same being contained within the geographical limits herein set forth, to wit:—

"The eastern limit is the line of demarcation between the Russian and British possessions in North America, &c. The western limit, within which the territories and dominion conveyed are contained, pass through a point in Behring's Strait on the parallel of 65° 30' north latitude, at its intersection by the meridian which passes midway between the Island of Krusenstern or Ignalook and the Island of Ratmanov or Noonarbrook, and proceeds due north, without limitation, into the same frozen ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly south-west through Behring's Strait and Behring's Sea, so as to pass midway between the Island of Attoo and the Copper Island, of the Kormandorski couplet or group, in the North Pacific Ocean, to the meridian of 193° west longitude, so as to include the whole of the Aleutian Islands east of that meridian."

Russia's title was based upon the following facts:—

Behring's Sea, formerly called the Sea of Kamchatka, was discovered by Vitus Behring, a Russian subject and officer, in 1725. From that date to that of the purchase of Alaska by the United States, its waters were surrounded by Russian territory, except Behring's Strait upon the north, and the south-west outlet to the North Pacific Ocean. Soon after its discovery, it was occupied by Russian citizens as traders and fur-hunters, and several trading stations were established upon its coasts and islands by Russian subjects.

In 1745, the Aleutian Islands were discovered by Russia. In 1768, Behring's Sea, the whole archipelago, and the Peninsula of Alaska, were explored by an expedition ordered by the Empress Catherine. Subsequently, Russia caused four other exploring expeditions to be made, in 1785, 1803, 1815, and 1826. Vancouver discovered the coast of British Columbia in 1790, and in the same year the Columbia River was entered by Gray. It will be here noted that Russia's discoveries and titles on the north-western coast antedate those of the other nations some sixty-five years.

In 1764, the Russian Government granted the right to trade on the Aleutian Islands to a Russian Company, who created and conducted a considerable number of trading stations.

In 1799, the then Russian Emperor Paul issued his Imperial Ukase, asserting the Dominion of Russia, by right of discovery and occupancy, to all the territory embraced

from Behring's Strait on the north to the 55th parallel on the American coast, and as far south as Japan on the coast of Asia; and invested the Russian-American Company with its absolute control, and, if necessary, the land and naval forces of the Empire were ordered to maintain their jurisdiction. To this Imperial act no protest was made on the part of any of the nations, nor were Russia's rights disputed or questioned. Thus tacitly, at least, all the nations conceded her rights, based first upon discovery, and next upon continued occupancy and peaceful and undisputed possession for nearly three-quarters of a century.

In 1821, upon the complaint of this Company to the Russian Government that their rights under their Charter were being disturbed by the interference of foreigners, the then Emperor Alexander issued his Manifesto, extending his dominion to the 51st parallel on the North American coast, and prohibiting foreign vessels from approaching within 100 miles of the shore. I quote from said Manifesto as follows:—

“Section 1. The transaction of commerce, and the pursuit of whaling and fishing, or any other industry, on the islands, in the harbours and inlets, and, in general, all along the north-western coast of America, from Behring's Strait to the 51st parallel of northern latitude, and likewise on the Aleutian Islands, and along the eastern coast of Siberia, and on the Kurile Islands—that is, from Behring's Strait to the southern promontory of the Island of Urup, viz., as far south as latitude 45° 50' north—are exclusively reserved to subjects of the Russian Empire.

“Sec. 2. Accordingly, no foreign vessel shall be allowed either to put to shore at any of the coasts and islands under Russian dominion, as specified in the preceding section, or even to approach the same to within a distance of less than 100 Italian miles. Any vessel contravening this provision shall be subject to confiscation with her whole cargo.”

To this edict, the Governments of the United States and Great Britain entered protest, in so far as it extended the dominion of Russia 4° south, and to the 100-mile limit. Mr. Adams, then Secretary of State, conceded the boundary named in the Charter to the Russian-American Company, viz., to the 55th parallel on the coast of the North Pacific Ocean, but resisted the claim of Russia to the coast between the 51st and 55th parallels north, also the exclusion of American ships from the North Pacific Ocean, stating that “with the Russian Settlements at Kodiak, or at Sitka, the United States may fairly claim the advantage of a free trade, having so long enjoyed it unmolested, and because it has been, and would continue to be, as advantageous to those Settlements as to them.”

Mr. Adams also said, “It may suffice to say that the distance from shore to shore of this sea, in latitude 51° north, is not less than 90° longitude, or 4,000 miles,” having exclusive reference to the Pacific Ocean.

A careful examination of the protests before mentioned and the correspondence in reference thereto, as well as the Treaties which settled the controversy—that of 1824 between Russia and the United States, and that of 1825 between Russia and Great Britain—will disclose the fact that they all had reference to the coast and waters of the North Pacific between the 51st parallel north latitude and Mount St. Elias and east of the 141st meridian of longitude. In all the protests, correspondence, negotiations, and Treaties, there is no allusion to Behring's Sea, the Aleutian Islands, or to any region of country or sea within 1,000 miles of its eastern border; hence the sovereignty asserted and maintained by Russia over that sea from its discovery to its partition and cession to the United States, a period of over 140 years, has never been officially questioned or denied.

At the time of and when negotiating these Treaties, the High Contracting Powers all knew of the existence of Behring's Sea, the Aleutian Islands, the Prebilov Islands (St. George and St. Paul) within Behring's Sea, and the valuable life on them and in their surrounding waters, and that these constituted the chief value of Russia's possessions on the North American coast and waters. Charts had been published before and as early as 1805 by England and Russia, as accurately bounding and defining the waters of Behring's Sea on the north-west coast to the North Pacific Ocean, as do the Maps of to-day, Behring's Sea then being called the Sea of Kamchatka.

In these Treaties, there is no allusion to, or surrender of, Russia's dominion over Behring's Sea and the Aleutian chain of islands by expression or inference. Russia surrendered or abandoned her claim only to the control of the North Pacific Ocean and to the north-west coast south of latitude 54° north, yet her title to the Aleutian Islands, extending as far south as 51° north latitude and longitude 166° to 167° west, is not and never has been disputed or invalidated.

It will be observed by the description of territory granted to us in our purchase of Alaska, that its western boundary divides Behring's Sea between us and Siberian Russia, and the fact cannot be successfully denied, as it is a matter of history, that Russia, from her discovery of Behring's Sea down to the cession to the United States, has controlled the navigation of its waters and the taking of its marine life. To this end her navy has patrolled it, and, in pursuance of her laws, taken, confiscated, and burned marauding vessels; she has since pursued, and is now pursuing, the same policy on her part of Behring's Sea.

In confirmation of this, I quote from the official order issued by the Russian Government, as late as the 13th January, 1882:—

“Notice.—At the request of the local authorities of Behring and other islands, the Undersigned hereby notifies that the Russian Imperial Government publishes, for general knowledge, the following:—

“1. Without a special permit or licence from the Governor-General of Eastern Siberia, foreign vessels are not allowed to carry on trading, hunting, fishing, &c., on the Russian coast or islands in the Okhotsk and Behring's Seas, or on the north-east coast of Asia, or within their sea boundary-line.

“5. Foreign vessels found trading, hunting, fishing, &c., in Russian waters without a licence or permit from the Governor-General, and also those possessing a licence or permit who may infringe the existing byelaws on hunting, shall be confiscated, both vessels and cargoes, for the benefit of the Government. This enactment shall be enforced henceforth, commencing with A.D. 1882.

“6. The enforcement of the above will be intrusted to men-of-war, and also Russian merchant-vessels, which, for that purpose, will carry military detachments, and be provided with proper instructions.”

There is nothing ambiguous in the language of this Proclamation. It means that Russia will enforce her sovereignty over the western half of Behring's Sea, within her “sea boundary-line.”

The cession of Alaska to the United States by Russia, and the terms of the Treaty making such cession, were well known to all nations, yet no protests or objections were made, though it was well understood to convey the title to the waters of Behring's Sea. The discussion of the Treaty in the United States' Senate was notice to our nation and to all the world. In confirmation of which, I quote from the remarks of Mr. Charles Sumner, Chairman of the Committee on Foreign Affairs of the Senate of the United States, at the time of the consideration of the Treaty. Mr. Sumner said, speaking for the Treaty:—

“‘The seal, amphibious, polygamous, and intelligent as the beaver, has always supplied the largest multitude of furs to the Russian Company.’ After enumerating the land furs, the value of the walrus for ivory, he adds: ‘I mention the sea-otter last; but in beauty and value it is the first. In these respects it far surpasses the river and land otter, &c.’ I come now to the fisheries, the last head of this inquiry, and not inferior to any other in importance; perhaps the most important of all. What even are sea-otter skins by the side of that product of the sea, incalculable in amount, which contributes to the sustenance of the human family?’”

Thus showing that the acquisition of the products of Behring's Sea, its fur-bearing animals, and fisheries, were regarded as the chief object of the purchase.

Again, Mr. Sumner, in the course of his remarks, said:—

“‘Traversing Behring's Sea midway between the Island of Attou on the east and Copper Island on the west, to the meridian of 173° east longitude, leaving the prolonged group of the Aleutian Islands in the possessions now transferred to the United States, and making the western boundary of our country the dividing-line which separates Asia from America.’”

Mr. Sumner again said:—

“‘In the Aleutian range, beside innumerable islets and rocks, there are not less than fifty-five islands exceeding 3 miles in length; there are seven exceeding 40 miles, with Oonimak, which is the largest, exceeding 73 miles. In our part of Behring's Sea there are five considerable islands, the largest of which is St. Lawrence, being more than 96 miles long.’”

Note the expression of the distinguished Senator, "In our part of Behring's Sea." This, coming from so high an authority, in language so plain and explicit as not to admit of misconstruction, evinces the intention and understanding of the Contracting Governments, which was the partition of the sovereignty of the waters of Behring's Sea by a south-westerly line through it, the eastern portion, with Alaska, being the territory of the United States, and the western portion, with Siberian Asia, that of Russia, their combined territory and shore-lines surrounding Behring's Sea, except the northern and southern outlets.

The discussion in the United States' Senate, and its final action upon this Treaty and question, was a notice to the world of Russia's right to transfer this valuable marine territory, to which not even a suggestion to the contrary has ever been raised on the part of any nation.

If more were needed to convince us of the rights and intentions of the High Contracting Parties, we have only to refer to the correspondence between our then Secretary of State, Mr. Seward, and our Minister at St. Petersburg. (Printed in executive documents for the use of Congress.)

In May 1867 our Minister writes as follows :—

"Sir,

"Your despatch No. 241 of the 1st April, 1867, inclosing the Treaty between Russia and America, ceding us all Russian America, was duly received. I awaited the expression of European and Russian sentiments in reference thereto before answering you.

"I congratulate you upon this brilliant achievement, which adds so vast a territory to our Union, whose ports, whose mines, whose waters, whose furs, whose fisheries are of untold value, and whose fields will produce many grains (even wheat), and become thereafter, in time, the seat of a hearty white population."

Again, in November 1867, the American Minister at St. Petersburg, giving a description of Russian America, says, in reference to the Aleutian Islands :—

"The Aleutian Islands may attract transient traders, but no permanent settlers. To inhabit them one must be an Aleut, and if it were not for the sea surrounding the islands, this country, owing to its unfavourable climatic conditions and the sterility of its ground, would have never been inhabited at all."

From the first extract, it will be observed that the American Government exercised caution before concluding the Treaty, and awaited the expression of European sentiments in reference to the same. Its acts were open and free to criticism, and the last quotation is conclusive on the point that our Government fully comprehended the value of the waters of Behring's Sea, and for this reason mainly was the purchase made.

Had it been understood that the waters of Behring's Sea and its marine life were free to the fishermen of all nations, including ours, there could have been no incentive on the part of our Government for its purchase at the price of 7,200,000 dollars. In any other view of the case it would have been absurd, but, on the contrary, it was known that Russia did, from the time of its discovery, control these waters, and that she had ever asserted her title and maintained her dominion by causing her ships of war to patrol them.

It is admitted on all sides that whatever title Russia had at the date of the transfer of the territory we acquired and still possess, and the United States being in possession and claiming ownership, our right must be conceded until it is established that our grantor, Russia, had no title to this territory, or that she did not maintain dominion over it, which, I apprehend, cannot be successfully accomplished.

There was no concealment of this Treaty or its purpose. Russia divided her possessions of Behring's Sea with us in the presence of all nations, to which there was no remonstrance on the part of them.

By an Act of Congress, approved as early as the 27th July, 1868, it is provided : "The Laws of the United States relating to customs, commerce, and navigation are extended to and over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia." It also provides that (see Revised Statutes, section 1956) "no person shall kill any fur-seal or other fur-bearing animals within the limits of Alaska territory, or in the waters thereof."

In 1881, it coming to the knowledge of the United States' Government for the first time that unauthorized persons were illegally taking seals in Alaskan waters, the Secretary of the Treasury caused to be published a notice to all that the Law prohibiting the killing of seals in Alaskan waters would be enforced against all comers, and its penalties be

inflicted (Congress having made provision to equip the vessels of the Revenue Marine for that purpose); since which time this notice has been yearly published, and to-day, both this and the Russian Governments are protecting their respective dominions in the waters of Behring's Sea, as they ever have done, from all unauthorized comers.

It might be interesting to continue the history of the legislation of Congress on this subject, and ascertain upon what facts it based its late action, the necessity for such action, and to speculate upon its probable results, but my time and your space will not permit. Suffice it to say, Congress had entire confidence in our title, the justice of our cause, our ability to maintain our rights, and believed that not to have maintained those rights would have been unwise, beneath the dignity of the nation, and even craven.

Inclosure 2 in No. 245.

Extract from the "New York Evening Post" of October 18, 1889.

THE BEHRING'S SEA QUESTION.

A Reply to Congressman Felton.

To the Editor of the "Evening Post."

Sir,

Salem, Mass., October 6.

THE Honourable Charles N. Felton published in the San Francisco "Argonaut" of the 12th August last an attempt at a vindication of our seizures of foreign sealing-vessels in that part of the Pacific called Behring's Sea, and he says of it that it is a statement of the facts. Mr. Felton was a member of the last Congress, and also a member of the Conference Committee which had to compromise the difference between Senate and House over our last very sapient piece of legislation concerning the waters of Alaska. The positions held by Mr. Felton led the "Argonaut" to say of him that he is thoroughly conversant with the subject, a belief probably shared by many who are themselves ignorant of it, and who will therefore accept his "statement of the facts" as reliable and perfectly conclusive.

There are, however, others, and they are not few in number, whose investigations of this question have proved to them that the facts connected therewith are diametrically opposed to those alleged by Mr. Felton, and who have consequently arrived at an entirely different conclusion.

Mr. Felton's plea is not new in itself, and it does not gain by his way of stating it, which is confused and often unintelligible. The line of argumentation followed is that now forced upon the special pleaders in vindication of these seizures, by the fact that the theory originally advanced, of Behring's Sea being by international law a closed sea, has been too thoroughly exploded to leave it available any longer. They therefore try to argue that if it is not a closed sea by international *law*, it is a closed sea by international *acquiescence*! And then, remembering the showman's hint that, though a leopard cannot change his spots, you can do it for him with a brush and a little paint, they set to work to manufacture corroborative evidence. By dint of judicious *suppressio veri* and *suggestio falsi*, they get up a semblance of proof, well calculated to impose upon the public, a good enough Morgan until after *exposure*. Meanwhile the one end, never lost sight of, is gained. The seizures go on, foreign competition is at least checked, and the Alaska Commercial Company is "protected" as far as possible.

In order that your readers may clearly understand the points at issue between the defenders of the seizures and those who condemn them, let me summarize these points.

The hypothesis of the defenders is, that in settling the controversy arising out of Russia's pretensions of 1821, a discrimination was made between Pacific Ocean and Behring's Sea; that while the high seas (all outside of the customary 3-mile shore belt) of the Pacific were declared free to all the contestants, the high seas of Behring's Sea were acknowledged to be under Russia's "exclusive dominion;" that this exclusive dominion was never denied nor questioned by any Power, was always maintained by Russia, and finally was made over by her to us, so far as it concerned our part of Behring's Sea; that consequently our title to such dominion is unimpeachable.

The argument of the opponents of seizures, on the other hand, is that there was no discrimination made between the Pacific and Behring's Sea, and that there was no call nor excuse for any, as they are identical in all that constitutes either an open or a closed sea,

the only two kinds of sea which international usage and law recognize; that the absence of the term "Behring's Sea" from all the documents is perfectly natural, because that name is of more modern origin than the date of those papers, and because the parties to the controversy followed the safe and well-established custom of using only the common nomenclature of the times, which did not include the name "Behring's Sea;" that all the waters of the present Behring's Sea were then, and now are, considered by all authorities on geography as belonging to, and forming part of, the Pacific Ocean; that consequently the stipulations of the Treaties of 1824 and 1825, declaring freedom of navigation and fishery in any part of the Pacific, apply to every part of Behring's Sea, and are binding on all the nations which signed these Treaties; that Russia never after the date of these Treaties asserted or claimed any jurisdiction over Behring's Sea, and never afterwards interfered with the fishing by the vessels of other nations in its waters; and last, but not least, that Russia *never ceded nor pretended to cede to us any sea or dominion of any kind over any sea whatsoever.*

The defenders of the seizures do not produce, or even allege that there exists, any direct documentary proof of the pretended discrimination between Pacific Ocean and Behring's Sea, or of any acknowledgment, in express terms, of Russia's exclusive dominion. Neither do they offer any reason for this discrimination—this making fish of one and fowl of the other,—nor do they show any object that was to be gained by us by this abandonment of our rights under international law to the free use of Behring's Sea. *Per contra*, the opponents do bring ample proof, drawn from official documents, in support of every point in their arguments, as will now be shown. A collection of these documents, in convenient form, has recently been published, as Sen. Ex. Doc. No. 106, 50, C. 2 S., from which I will quote. (In support of the assertion that the question of navigation and fishery was treated as concerning the whole of the Pacific, without discrimination between its different parts.)

(P. 210.) Secretary Adams' letter, July 22, 1823, to our Minister at St. Petersburg, summarizes the Russian claim as extending to "an exclusive territorial jurisdiction from the 45th degree of north latitude, on the Adriatic coast, to the latitude of 51° north, on the western coast of the American Continent; and they assume the right of interdicting the navigation and the fishery of all other nations to the extent of 100 miles from the whole of that coast."

"The United States can admit *no part* of these claims."

(P. 214.) Our Minister at St. Petersburg to Secretary Adams, April 19, 1824. Report on the Minutes of the Conference proceedings:—"That I must now frankly tell them [the Russian Ministers] that my instructions required that I should obtain two points as necessary conditions to the third object contemplated by the project of Convention: (1) *the revocation*, either spontaneous or by Convention, *of the maritime provisions of the Ukase of September 4 (16), 1821*; (2) the adoption of the commercial principle (or something similar) agreed upon between the United States and Great Britain in their Convention of 1818, in relation to these coasts; (3) that, these preliminaries being settled, a territorial delimitation for settlements at 55° might be agreed upon."

(In support of the assertion that all the waters of the present Behring's Sea were, at the time of the Treaties and since, officially recognized as belonging to the Pacific.)

(P. 206.) Russian Minister at Washington to Secretary Adams, February 28, 1822:—"I ought, in the last place, to request you to consider, sir, that the Russian possessions *in the Pacific Ocean* extend, on the north-west coast of America, from Behring's Strait to the 51st degree of north latitude, and on the opposite side of Asia and the islands adjacent, from the same strait to the 45th degree."

(This includes every part of the present Behring's Sea.)

(P. 248.) Treaty of Cession, 20th June, 1867. Last clause of Article I, stating western limit of the cession: ". . . so as to pass midway between the Island of Attou and the Copper Island of the Komandorski couplet or group in the *North Pacific Ocean* . . ."

(Attou lies in 52° 57', and Copper Island in 54° 35' to 54° 55' north, or about 100 miles more northerly than the Aleutian Island of Attou, and there is no chain of islands between Copper Island and our coast-line from Behring's Strait to the south end of the Peninsula of Alaska, nothing to set off that portion of the Pacific in which Copper Island is thus officially stated to lie, from that portion which washes our coast.)

(In support of assertions concerning Treaty stipulations.)

(Pp. 220-221.) A summary of the Treaty of 1824:—

Article I. It is agreed that in *any part* of the great ocean commonly called the *Pacific Ocean* or South Sea, the respective citizens or subjects of the High Contracting Powers shall be neither disturbed nor restrained, either in navigation or in fishing or in the power

of resorting to the coasts upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following Articles.

Article II forbids the resorting to the respective establishments without permission.

Article III forbids the forming of establishments by either party, north and south respectively, of 54° 40' north.

Article IV permits, during a term of ten years, the frequenting by either party of the interior seas, &c., upon the coast mentioned in the preceding Article.

(In support of the assertion that Russia ceded to the United States no sea, and no dominion over any sea.)

(P. 247.) Treaty of Cession, 20th June, 1867 :—

Article I. Russia agrees to cede “all the territory and dominion now possessed by his said Majesty *on the continent of America and in the adjacent islands*, the same being contained within the geographical limits herein set forth, to wit : The eastern limit is the line of demarcation between the Russian and the British possessions in North America [the details are omitted here as irrelevant, this line not touching Behring’s Sea at any point]. The western limit within which the territories and dominions conveyed are contained passes through a point in Behring’s Straits, on the parallel of 65° 30’ north latitude, at its intersection by the meridian which passes midway between the Islands of Krusenstern or Ignalook, and the Island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly south-west through Behring’s Straits and Behring’s Sea, so as to pass midway between the north-west point of the island of St. Lawrence and the south-east point of Cape Choukotski, to the meridian of 172° west longitude; thence from the intersection of that meridian in a south-westerly direction, so as to pass midway between the Island of Attou and the Copper Island of the Komandorski [Kormandorski is a misprint] couplet or group in the North Pacific Ocean, to the meridian of 193° west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian.”

Article II. In the cession of territory and dominion made by the preceding Article “are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property.” The rest of the provisions refer to churches and to public archives.

Article III refers to the rights of the inhabitants.

Article IV refers to the appointment of agents for the transfer of the territory and property ceded.

Article V refers to the exchange of ratification.

Article VI says the cession of territory and dominion herein “made is hereby declared to be free and unencumbered by any reservations, privileges, franchises, grants, or possessions by any associated Companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property-holders; and the cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the *said* territory or dominion, and appurtenances thereto.”

No sea or dominion over any sea is among the things enumerated as ceded. No dominion over an open sea like Behring’s Sea could be claimed as a right ceded under Article VI, because Russia has limited these rights to such as belong to her, *in the said territory or dominion and appurtenances thereto*, and dominion over an open sea is not a right attaching to territory, nor is such a sea an *appurtenance* to territory.

Mr. Felton tells us that had it been understood that the waters of Behring’s Sea and its “marine life were free to the ‘fishermen of all nations *including ours*’ [*sic*], there could have been no incentive on the part of our Government for its purchase at the price of 7,200,000 dollars. In any other view of the case, it would have been absurd . . .”

That is, of course, a matter of opinion, and on it some may prefer the judgment of men like Secretary Seward and Senator Sumner to that of Mr. Felton. But what is sure is, that these gentlemen would have left nothing at loose ends. They were the prime movers on our side in the transaction, and if they had thought that our bargain “included exclusive dominion over Behring’s Sea,” they would have had express stipulations to that effect inserted in the Treaty, just as Secretary Seward is known to have insisted on the insertion of the clause in Article VI (cited above) that “the territory was free and unencumbered,” &c.

Now let me say a few words in support of my charges against Mr. Felton and his fellow-advocates of the seizures of manufacture of evidence, of *suppressio veri*, and

suggestio falsi. I repeat that every allegation concerning important facts is more or less untrue, and every essential quotation more or less twisted and perverted. To expose all of these sins here is, of course, impossible, so I confine myself to a few examples.

Take the opening assertion in Mr. Felton's article :—

"The title of the United States to Alaska and the Behring's Sea was acquired from Russia by the Treaty of Cession of 1868 [misprint for 1867], 'in which she ceded and conveyed all the rights, franchises, [and] privileges now belonging to Russia in the ceded territory or dominion, and appurtenances thereto;' the same being contained within the geographical limits herein set forth, to wit:" followed by the description of them, as quoted by me above. Here a straightforward and honest quotation of Article I of the Treaty would at once have exposed the fallacy of the above assertion as regards Behring's Sea, and so a little game of selecting and arranging suitable passages is resorted to. The most essential part of the particulars given in Article I, the enumeration of the territory and dominion ceded, is suppressed. For it is substituted something cut off from the end of Article VI, the general covenants of secondary importance, usual in conveyances, which can be correctly interpreted only by reference to a preceding enumeration, and then comes the rest of Article I, the description of the geographical limits. The effect aimed at, and probably attained in the case of most readers, is to hide the true import of Article I, the simple statement that everything ceded was included within certain geographical limits, and to create instead the false impression that everything embraced within these limits was ceded; to create the false impression that as a large part of Behring's Sea was situate within these limits, such part of this sea was consequently also ceded and conveyed.

In like manner Mr. Felton's mere reference to, without proper quotations from, our protests against Russia's pretensions, destroys the emphasis, belittles and belies the scope of Secretary Adams' categorical and all-embracing, "can admit no part of these claims."

Again, Mr. Felton's assertion "that Russia, from her discovery of Behring's Sea down to the cession to the United States, has controlled the navigation of its waters and the taking of its marine life. To this end her navy has patrolled it, and, in pursuance of her laws, taken, confiscated, and burned marauding vessels; she has since and is now pursuing the same policy on her part of Behring's Sea," is simply a glaring untruth.

Mr. Felton does not, of course, cite any case of such confiscation, and none occurred; for since the Treaties of 1824 and 1825 Russia never interfered with foreign vessels fishing in those waters, though foreign whalers frequented them during the whole of the time referred to, and literally swarmed there by hundreds during the years of the prosperity of that pursuit. On the contrary, Russia in 1842 refused officially a demand of the Russian-American Company for interference with those whalers on the express ground that the Treaty gave Americans the right to fish over the whole extent of the Pacific Ocean (see Bancroft's "History of the Pacific States," vol. xxviii, p. 583). And it may be well to remind Mr. Felton that seal-fishing on the high seas is just as legitimate in international law as whale-fishing there.

Just as little as Russia interfered in times gone by does she do so now, and the inference to the contrary which Mr. Felton pretends to draw from an official Russian Notification of the 15th November, 1881, is as unwarranted and as misleading as most of his inferences. Mr. Felton assigns a wrong date to it, but quotes it correctly and *in extenso*. It forbids foreign vessels to carry on, without special permit or licence, trading, hunting, fishing, &c., on the Russian coast or islands in the Okhotsk and Behring's Seas, or on the north-east coast of Asia, *or within their sea boundary-line* (the italics are Mr. Felton's). There is nothing ambiguous in the language of this Proclamation, says Mr. Felton, and this is indisputable. It is this gentleman alone who introduces ambiguity and even misrepresentation into the discussion, when he proceeds to say: "It means that Russia will enforce her sovereignty over the western half of Behring's Sea within her sea boundary-line." Certain phrases have certain definite and well-established meanings, are employed exclusively in such accepted signification in official documents, and are always interpreted strictly in this sense. The accepted sense of sea boundary-line, with reference to coasts and islands, is a line three miles seaward from low-water mark on the shore, and there is consequently no warrant for Mr. Felton's preposterous misinterpretation. Perusal of pp. 251 to 273 of the official document above referred to (Sen. Ex. Doc., No. 100) would have furnished Mr. Felton proof of the untruth of his assertion and of the falsity of his interpretation. Only three cases of interference are there mentioned; none of them were for acts done on the high sea, but all for acts within the 3-mile limit. Two of these seizures took place in the Russian part of Behring's Sea, and if Mr. Felton's

hypothesis of a division between Russia and the United States of exclusive jurisdiction over this sea has ever been adopted by our Government, the wonder is how it could consistently take any official notice of an exercise of such jurisdiction by Russia that would be perfectly legitimate under said hypothesis.

Mr. Felton's manner of arguing, his way of stating a proposition and drawing inferences from it, offers a refreshing contrast to the stale rules of logic hitherto considered as binding upon a writer. His method of geographical definition is also quite novel, and I confess I have not been able to master it. Here is a specimen which is entirely beyond me: ". . . . that they [Treaty of 1824 and other documents] all had reference to the coast and the waters of the North Pacific, between the 51st parallel of north latitude and Mount St. Elias and east of the 141st meridian of longitude." Mount St. Elias is a good many miles inland, and this is the first instance known to me of an inland mountain being pressed into service as a terminal point of "coast and waters." Besides, this limitation of the application of the Treaty of 1824 leaves a very long coast-line of the Pacific, and unquestionably not of Behring's Sea, viz., that from 141° west to the south-west extremity of the Peninsula of Alaska in about 163° 30' west unprovided for. Was there some kind of "acquiescence" about this long coast-line, too, and if so, what was acquiesced in?

The passage, "Russia surrendered or abandoned her claim only to the control of the North Pacific Ocean, and to the north-west coast south of latitude 54° north, yet her title to the Aleutian Islands, extending [title or islands? *R. R.*] as far south as 51° north latitude and longitude 166° to 167° west, is not, and never has been, disputed or invalidated," is another geographical conundrum as well as a puzzle in logic.

The closing sentence in Mr. Felton's article is as extraordinary as anything he has achieved in the way of assertion: "Congress had entire confidence in our title"—that is, in our title to exclusive jurisdiction in our part of Behring's Sea. Let us see what the "Congressional Record" shows on this point: The House tacked on to a Senate Bill an amendment that section 1956 of the United States' Revised Statutes includes and applies to all the waters of Behring's Sea in Alaska embraced within "the boundary-lines mentioned and described in the Treaty with Russia dated the 30th March, 1867;" that "it shall be the duty of the President to issue an annual warning Notification, to have it published in a newspaper, and to cause one or more vessels to cruise in said waters to seize all violators of United States' laws therein." The Senate refused to pass the amendment. In conformity with the advice of the Conference Committee, the amendment was altered to the following: That section 1956 "is hereby declared to include and apply to all the dominions of the United States in the waters of Behring's Sea," leaving the new duties of the President as above, and in this shape it was enacted. The effect of the change resulting from the Senate's action is stated in the House Report to be "to leave out the words that are descriptive of the boundaries of the waters of Alaska." Mr. Felton is, of course, entitled to all the comfort he may be able to derive from this proceeding, but the public will not accept this testimony as proving "confidence" on the part of Congress. Considering that the House had actually to rescind its action, to abandon the position to which it had committed itself, the whole looks decidedly like a confession that the House felt "very shaky" indeed on the validity of the alleged title.

It recalls the story of the King who quarrelled over some point in a game of chess which he had the condescension to play with a subject of his, while a crowd of courtiers preserved a dead silence. When the contention was at its height, an officer of known skill at the game entered, to whom the King appealed for a decision, and who replied instantanously: "Your Majesty is wrong!" "How can you tell when you have not even glanced at the board?" Quite unnecessary! Would these gentlemen," pointing to the courtiers, "remain silent if there was a ghost of a chance to say anything in favour of your Majesty?" A claim in *our favour* and *against England*, which such ever-ready champions of everything anti-English as Messrs. Edmunds, Hoar, Frye, &c., refuse to support, must be indeed hopelessly weak.

However much one may find fault with what Mr. Felton does say in his article, it is, nevertheless, impossible not to regret that he left some things unsaid, that he found it impossible "to continue the history of the legislation of Congress on this subject, and ascertain upon what facts it based its late action, the necessity for such action, and to speculate upon its probable results. . . ." Light on all these points is certainly very much needed, and it is very much to be hoped that some Congressional Phœbus Apollo will furnish it to the public. It is indeed difficult to find or imagine any good reason for the new Act of the 2nd March last. It is superfluous, and even absurd, to make a statutory declaration that a law already enacted for a certain locality shall apply to it. The measures for its enforcement now *ordered* may be wise, but if they were to be confined to their legitimate sphere, they were quite within the President's authority before said

Act. They had, in fact, been already taken by Mr. Cleveland's Administration, had then been carried out in regions beyond that sphere for two seasons, after which better counsel prevailed, and they were limited to our acknowledged jurisdiction. The new law contains nothing new as to the sphere in which the old law is to be enforced; on the contrary, the attempted extension of this region was distinctly abandoned. Congress in this case, as often before, shirked the responsibility, and confined itself to "egging on." Secretary Blaine's assertion, that he is merely enforcing an Act of Congress when he allows the capture of foreign sealers outside of the 3-mile shore limit, is not borne out by the provisions of the Act.

Apparently, Mr. Felton and his partizans are entirely unconscious of the fact that their hypothesis fairly bristles with absurdities. It presupposes that, in the settlement of a controversy seriously affecting established principles of international law, civilized Governments would deliberately stultify themselves to the extent of insisting upon these principles being strictly carried out in one part of the ocean, and of utterly ignoring them, at the same time, in the part immediately adjoining; of discriminating between seas that have not those geographical differences which international law makes the very *conditio sine quâ non* of discrimination, and of doing all this without any documentary record of their action, and without a word of explanation as to the reason for such an unprecedented performance. It presupposes that the two maritime nations *par excellence*, Great Britain and the United States, each more powerful on the ocean than Russia, would have surrendered to her their natural right to the free use of an open sea (expressly declared by Mr. Felton to have been known at the time as valuable), without struggle or remonstrance, without equivalent or cause! And all this idiotic travesty of patriotism, statesmanship, and diplomacy, is imputed to men of the calibre of John Quincy Adams, George Canning, and Count Nesselrode. This sorry figment of crazy suppositions is palmed off for truth, in the face of documentary proof of a natural, a reasonable, and a consistent argument to the contrary.

We are urged to persist in an indefensible and dishonourable policy when there is every evidence that a legitimate and honourable course—that of international conference and agreement—would bring about every result we profess to be aiming at, and bring it about more quickly and more thoroughly than could be hoped for by any other means.

The ultimate outcome of such persistence is plain; it may be delayed, but it cannot be escaped from eventually. And finally it must not be overlooked that, at the best, even a triumphant maintenance against Great Britain of Mr. Felton's hypothesis would not settle the question in our favour as against the rest of the world. Acquiescence being the basis of that hypothesis, it would be binding only upon those nations that had acquiesced. The others remain free to exercise their natural rights in Behring's Sea, and would in time undoubtedly insist upon doing so, without our having a chance of preventing them under international law.

(Signed) ROBERT RAYNER.

No. 246.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received November 12.)

My Lord, Washington, November 1, 1889.

I LOST no time, after my arrival here on the 15th ultimo, in seeking an interview with Mr. Blaine on the Behring's Sea question. He was much engaged at the time with the Maritime Conference, but he ultimately appointed Thursday, the 24th, for a preliminary conversation on the subject.

We had a great deal of friendly discussion, in the course of which he stated that the seizures of the Canadian seal-fishing vessels had been effected by the Treasury Department, which is charged with the protection and collection of the revenue (including that derived from the Alaska Company), and the measure had been resorted to under the belief that it was warranted by the Act of Congress and the Proclamation of the President. In this view, the Department had been confirmed by the Judgment of the District Court of Alaska.

I observed that this appeared like an assertion of the *mare clausum* doctrine, which I could hardly believe would be revived at the present day by his Government or any other; to which he replied that his Government had not officially asserted such a claim, and therefore it was unnecessary to discuss it. As a matter of fact, there had been no interference with any Canadian vessels in Behring's Sea except such as were found engaged in the capture and destruction of fur-seals. But his Government claim the exclusive right

of seal-fishery, which the United States, and Russia before them, had practically enjoyed for generations without any attempt at interference from any other country. The fur-seal was a species most valuable to mankind, and the Behring's Sea was its last stronghold. The United States had bought the islands in that sea, to which these creatures periodically resort to lay their young, and now Canadian fishermen step in and slaughter the seals on their passage to the islands, without taking heed of the warnings given by Canadian officials themselves, that the result must inevitably be the extermination of the species. This was an abuse, not only reprehensible in itself, and opposed to the interests of mankind, but an infraction of the rights of the United States. It inflicted, moreover, a serious injury on a neighbouring and friendly State, by depriving it of the fruits of an industry on which vast sums of money had been expended, and which had long been pursued exclusively, and for the general benefit. The case was so strong as to necessitate measures of self-defence for the vindication of the rights of the United States and the protection of this valuable fishery from destruction.

I replied that, as regarded the question of right, I could not admit that the seizure of the Canadian vessels was justified under the terms of the Act of Congress or of the Proclamation of the President. Municipal legislation could have no operation against foreign vessels beyond territorial waters. A claim of exclusive fishery on the high seas was opposed to international law, and no such right could be acquired by prescription. Mr. Blaine observed that he thought Great Britain enjoyed such a right in relation to pearl fisheries in some parts of the world. I said I was not aware of any such case. As regarded the question of fact, namely, the danger of extermination of the fur-seal species and the necessity for a "close season," there was unfortunately a conflict of opinion. But if, upon a further and more complete examination of the evidence, Her Majesty's Government should come to the conclusion that a "close season" is really necessary, and if an agreement should be arrived at on the subject, all differences on questions of legal right would *ipso facto* disappear.

Mr. Blaine expressed his readiness to proceed to such an inquiry, adding that he would be prepared to establish from Canadian evidence alone the absolute necessity for a "close season;" but he strongly insisted that the inquiry should take place here, and be entirely of a diplomatic character. It was suggested, in conversation, that the tripartite negotiation commenced in London between Great Britain, the United States, and Russia, which, from various causes, had been suspended, might be resumed in Washington.

Mr. Blaine expressed his concurrence, but he said he did not wish to originate such a proposal.

I stated that if such an arrangement were agreed to, I should require the assistance of experts from Canada, and it should be understood that the results of the inquiry should, if desired, be made public to the world as a justification of the adoption of a "close season," and an inducement to all other nations to observe it. Also, that there should be an assurance against any more seizures, and an understanding as to compensation to the owners of the vessels and property seized.

Mr. Blaine replied that if we did not settle the question before next April he should despair of our ever doing so, and that until that date, when the fishing season reopened, no seizures would take place, for there could be no object in them.

As regards compensation, if an agreement should be arrived at, he felt sure that his Government would not wish that private individuals who had acted *bond fide* in the belief that they were exercising their lawful rights, should be the victims of a grave dispute between two great countries, which had happily been adjusted. He was not without hope, therefore, that the wishes I had expressed might be met, and that all might be arranged in a manner which should involve no humiliation on either side.

His tone was most friendly throughout, and he manifested a strong desire to let all questions of legal right and international law disappear in an agreement for a close season, which he believes to be urgently called for in the common interest.

It only now remains for me to solicit your Lordship's instructions in regard to the suggestion of resuming in Washington the tripartite negotiation, with a view to arriving, if possible, at such a solution as is proposed by Mr. Blaine.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 247.

Foreign Office to Sir C. Lampson and Co.

Gentlemen,

Foreign Office, November 13, 1889.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 6th instant, with its inclosure, again calling attention to the effects which are to be apprehended from the indiscriminate slaughter of female seals in the waters of Behring's Sea, and I am to say that your representations on the subject will receive careful attention.

Lord Salisbury will be glad to receive any statistical evidence which you may be able to furnish as to the extent to which the number and quality of the catch of male seals has been affected of late years by the increased slaughter of female seals in the open sea, and any other information which might be of assistance in considering the remedial measures which it may be desirable to adopt.

His Lordship presumes that you would have no objection to the eventual publication of your letter under reply, and of any subsequent communications not marked "Confidential."

I have, &c.

(Signed) T. H. SANDERSON.

No. 248.

Sir C. Lampson and Co. to Foreign Office.—(Received November 15.)

Dear Sir,

64, Queen Street, London, November 14, 1889.

WE have to acknowledge receipt of your valued favour of the 13th instant, and beg to thank you for having taken the matter into consideration.

We are now collecting all the information we can with reference to the details Lord Salisbury is anxious to obtain, and when we have completed our Statement, will forward it to you.

We are quite willing to have any of our letters used as Lord Salisbury may see fit.

Yours, &c.

(Signed) C. M. LAMPSON AND CO.

No. 249.

Colonial Office to Foreign Office.—(Received December 1.)

Sir,

Downing Street, November 30, 1889.

WITH reference to the letter from this Department of the 9th August last, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Deputy Governor of Canada, inclosing an important Minute of the Dominion Privy Council on the subject of the proposed close time for seals in Behring's Sea.

I am to request that the inclosures in Sir W. Ritchie's despatch, which are sent in original, may be returned after perusal.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 249.

Deputy-Governor Sir W. Ritchie to Lord Knutsford.

My Lord,

Ottawa, November 11, 1889.

WITH reference to Lord Stanley of Preston's confidential despatch of the 3rd August, 1888, in which was inclosed a copy of a Minute of Council of the 14th July of that year, protesting against the proposal made by the United States' Government for the establishment of a close season for seals in Behring's Sea, I have the honour to forward herewith, for your Lordship's information, a copy of an approved Report of a Committee of the Privy Council, to which are appended certain declarations and statements tending to support the contentions advanced by the Dominion Government in the above-mentioned Minute.

I have, &c.

(Signed) W. J. RITCHIE.

Inclosure 2 in No. 249.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, November 4, 1889.

ON a Report dated the 26th October, 1889, from the Minister of Marine and Fisheries, stating that he has recently received from parties interested in the fur-sealing industry of the Behring's Sea, further information relative to seal-hunting.

The Minister desires attention to the Minute of Council dated the 14th July, 1888, made on a Report of the then Minister of Marine and Fisheries upon a proposal from Mr. Secretary Bayard, for the establishment of a close season for seals in the Behring's Sea, which was a proposition to agree to enforcing a close season from the 15th April to the 1st November in each year.

The Minute of Council dealt very fully with this and pointed out:—

That the United States' Minister, as reported in the despatch from Lord Knutsford, of the 8th March, 1888, then under consideration, had asserted that there were both close and open seasons for killing seals in the Behring's Sea, and that the United States' Government was endeavouring to enforce the observance of these seasons by all nationalities alike, and, consequently, that during the open season seals could be pursued without fear of molestation, whereas, in fact, the killing of seals, except by the Alaska Commercial Company, lessees of the Seal Islands, is entirely prohibited by the laws of the United States, and this law was then being enforced against citizens of the United States and those of Canada.

That the Alaska Commercial Company, under the terms of their lease, had a monopoly of the industry, and killed 100,000 seals annually, for which monopoly they paid yearly into the Treasury of the United States over 300,000 dollars.

The Minute of Council above referred to went on to show that no pressing necessity existed for the establishment of such a close season, since careful measurement of the "Rookeries" on St. Paul and St. George Islands showed 6,337,750 seals, whilst only 100,000 were annually killed, and the United States' Special Agent for Alaska in 1887, reported the seals on the increase.

That as the seals arrive in May and leave about the end of October, a close season from the 1st April to the 16th November, as proposed by the Honourable Mr. Bayard, would practically prohibit all fishing except by the Alaska Commercial Company, who could kill on the only places where the seals "haul out" during June, July, September, and October, four of the months of the proposed close season, thus establishing their monopoly more effectually.

That while under Mr. Bayard's proposition this area would be closed against all operations except those of their own sealers on the Pribyloff Islands, other sealing areas in America and Asia would be open to her as before.

That the Alaska Commercial Company has a leasehold from the Russian Government which does not fall under the proposed area.

That while the arrangement would benefit Russia and the United States, Canada would lose the whole sealing industry.

The Minister further observes that this Minute of Council called attention to the opinion of experienced sealers, who aver that by the present methods of hunting with gun and spear not more than one in ten of the seals struck is lost, and that it is not believed that these methods are so destructive as alleged.

In the said Minute of Council it is claimed that the sole object of the United States was to establish a monopoly in the manner and locality of killing seals in favour of such United States' citizens who might from time to time enjoy the privilege of sealing on Pribyloff Islands.

The Minister submits the appended declarations and statements in support of the views expressed in the Minute above referred to: they are as follows:—

Appendix No. 1. Statement prepared by practical seal-hunters.

Appendix No. 2. Statement prepared by A. R. Milne, Esq., giving a history of the sealing industry as pursued by British subjects in the Behring's Sea.

Appendix No. 3. Solemn declaration of Carl A. Lundburg on the slaughter of about 10,000 seals at Robin Island by the crew of the schooner "Leon," a watch-vessel of the Alaska Commercial Company.

The Minister states that it will be seen that the first Appendix, in which the different hunters describe their operations in detail, fully bears out the position taken in the Minute of Council of the 14th July, 1888, that the destructive nature of the modes of killing seals by spears and fire-arms has been greatly exaggerated by the United States' authorities, a very small percentage of loss occurring. Also that the operations of the Canadian sealers in the Behring's Sea are of necessity during the months proposed by the Honourable Mr. Bayard as a close season.

The Minister desires to invite particular attention to the fact that, while female seals with pup are taken to some extent along the coasts approaching the Behring's Sea, such instances are of rare occurrence in the sea itself.

Appendix No. 2 treats altogether of the history and extent of the Canadian sealing interest in the North Pacific Ocean and Behring's Sea, and concludes by showing that, as the seals travel singly and in pairs, not in droves or numbers as has been claimed, there is no opportunity for the indiscriminate slaughter alleged. The percentage of seals wounded or killed and not secured is placed at 6 per cent.

The Minister of Marine and Fisheries is of opinion that the action described in Appendix No. 3, of the servants of the Alaska Commercial Company at Robin Island, under lease to them from Russia, in wantonly and maliciously slaughtering on their rookeries 10,000 seals at one time, principally cows and pups, and destroying their skins for the avowed purpose of insuring the failure of other sealers, is but another argument against securing a monopoly of the seal-fishing interest in the North Pacific Ocean for the Alaska Commercial Company, and while this one act has been more destructive than the combined operations of the other sealers in the Behring's Sea, it renders altogether erroneous the interference of United States' authorities on the plea of protection with the legitimate pursuits of sealers in the open sea.

The Committee concurring in the above Report recommend that your Excellency be moved to forward a copy hereof to the Right Honourable the Secretary of State for the Colonies, and that a copy be also forwarded to the High Commissioner for Canada for his information.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Appendix I.

*Statements of Practical Hunters.**James Wilson.*

I WAS carpenter on board the sealing-schooner "Triumph" on her voyage this year. One of the hunters was drowned just before entering Behring's Sea, and I took his place. I was out hunting seals about a week, but the weather was bad, and I got only twenty-three seals. I had had no experience. I used a breech-loading shot-gun, and shot seals at a range of from 10 to 15 yards. I lost one seal through the carelessness of the boat hands running the boat over the seal, which sank directly under the boat.

Most of seals lost by hunters are shot at long ranges with the rifle. One hunter on the "Triumph" this year got over sixty seals and only lost one. I never saw a cow seal with her young beside her. Out of the twenty-three I got, five or six were cows carrying their young.

(Signed) JAMES WILSON.

*Victoria, British Columbia, August 9, 1889.**William Fewings.*

I have been three years hunting seals on the Pacific Coast and in Behring's Sea. In 1887 I was on board the sealing-schooner "Favourite," in 1888 on the "Viva," and in 1889 on board the "Triumph." In each year the vessel I was on entered the Behring's Sea early in July, and left the sea the latter part of August or early in September, except this year, when the "Triumph" left the sea on the 11th July, under threat of seizure, after searched by the United States' cutter "Rush." In 1887 the hunters I was with were partly Indians and partly whites. In the two last years the hunters were all whites, using shot-guns and rifles. The rifles were used by the more experienced hunters and better shots for long-range shooting, up to 100 yards, but few hunters attempted that range. The general range for rifles is not over fifty yards, and most shots are made at a less range.

A few hunters used the rifle for all distances. I use either rifle or shot-gun, according to the distance and position of the seal and the condition of the water.

My first year I got about 400 seals. In getting this number, I failed to capture about twenty-five shot at, or killed, or wounded, but which escaped. In my second year I got over 500 and lost about thirty. This year I got 140, and lost only one. I have frequently shot from two to five seal in a bunch, and got them all. One day in 1887 I got two bunches of five each and another of four, and got the whole fourteen.

Indian hunters use spears, and either get every seal they throw at or it escapes unhurt, or but slightly wounded. Indians, it can be safely said, get every seal they kill.

Oscar Scarr, a hunter on the "Viva" in 1888, got over 600 seals, and lost only about twenty. The average number lost by white hunters does not exceed six in 100, and by the Indians not six in 1,000. I have never shot nor have I ever seen a female seal with a young one beside or with her. It is very seldom a female is killed in Behring's Sea, carrying her young with her, and out of 1,000 killed on the coast earlier in the season less than one-third are females carrying their young.

(Signed) WM. FEWINGS.

*Victoria, British Columbia, August 9, 1889.**Captain J. D. Warren.*

I am a master mariner, and have been actively engaged in the deep-sea sealing business for twenty years. I have owned and commanded sealing-vessels on voyages along the Pacific Coast from 47° or 48° north latitude to 56° or 57° north latitude within Behring's Sea. I have generally employed Indians, except in 1886 and 1887, the last years I was out, when I had white hunters as well. White hunters use rifles and shot-guns entirely, Indian hunters use spears. Bullets weighing from 300 to 400 grains are used with rifles, and ordinary buck-shot with guns. Both rifles and shot-guns are breech-loading, and of the best make. Seals are approached by the hunters in boats, to 10 or 15 yards, lying generally asleep on the water. Frequently seals are taken alive when asleep, especially by the Indians, who, in their canoes, get within from a spear's length (14 or 15 feet) to 30 feet before they throw. Indians rarely lose a seal they strike, and if one escapes it is always but slightly wounded. Of seals killed by white hunters, probably not over 10 per cent. are killed with rifle, which is generally used for only a long range.

Sealers divide the seals for hunting purposes into two classes, "sleepers" and "feeders;" or "travellers sleepers" are almost always shot at from 10 to 15 yards range, and are seldom lost. "Feeders" are shot at just as their heads emerge from the water. From this fact the range is always from a few feet to 100 yards, though few are fired at that distance. Hunters use a "gaff," a pole about 10 or 12 feet long, with one to three hooks upon it, with which they catch the seal and bring it into the boat. If the seal sinks, the "gaff" is run down, and the seal hooked up. The British sealing-vessels employ more Indian than white hunters. My experience with white hunters is not so extensive as with Indians, but from what I have seen while engaged in sealing I can say that not over six in every 100 seals killed by white hunters are lost or escape.

Experienced hunters seldom lose a seal; the losses are chiefly made by inexperienced hunters, only a few of whom are employed, for the reason that as hunters are paid so much a skin, inferior men cannot make good wages. I have noticed no diminution in the number of seals during the twenty

years I have been in the business, but if any change at all, an increase. Of the seals taken along the coast about one-half are females, and of the females not more than one-half are with young. In Behring's Sea not one in 100 of those taken by the hunters are females with young; because as soon as the females carrying their young get into the sea they go to the breeding islands or rookeries, and in a few days their young are born. The cows remain with their young until they are quite able to take care of themselves. I do not think that out of the seals taken by Indian and white hunters more than 30 per cent. are females actually breeding or capable of breeding.

"Old bulls," "bachelors," "two-year-old pups," and "Barre cows" make up the great majority. Cows actually breeding are very watchful, and while on the voyage northward are ever on the alert, so they are difficult to take. On the other hand, the other classes above named make up the great class of "sleepers" from which fully 90 per cent. of the whole catch of hunters is derived. I never saw or heard of a "cow" having her young beside her in the water, either on the coast or in Behring's Sea.

(Signed)

J. D. WARREN.

Victoria, British Columbia, August 10, 1889.

Captain Seward.

I have been a master sealer for two years. In 1888 I commanded the "Araunah," and in 1889 the "Walter L. Rich," and during both years sealed along the coast from off Point Northward to Behring's Sea. In 1888 I had Indian hunters, and this year white hunters. The Indians lose very few seals, for if the spear strike the seal is got, and if the spear misses the seal of course escapes unhurt. The white hunters use rifles and shot-guns, the latter much more than the former. Rifles are used only by good shots, and then at only long range. The seals lost by white hunters after being shot or wounded do not on the lower coast exceed six in 100, and on the Alaska coast and in Behring's Sea not over four in 100.

On sailing I generally take 10 per cent. additional ammunition for waste shot, that is, if calculating on a catch of 3,000 seals, I would take ammunition for 3,300 shots. That was double the excess the hunters would consider necessary, and I never knew that percentage of waste shot to be used. I never saw a female seal with her young beside her in the water. Out of a catch of 1,423 seals this year, I had only fifty-five seals under 2 years old, *i.e.*, between 1 and 2 years old.

When at Ounalaska this year, I learned that the Alaska Commercial Company last year fitted out two small schooners belonging to private parties with large deep nets several hundred fathoms long, which were set across the passes leading from Behring's Sea for the purpose of catching young seals. One of these schooners got 700 of these young seals, about 4 months old, and sold them to the Alaska Commercial Company at 2 dol. 50 c. apiece.

A schooner, the "Spencer F. Baird," 10 or 12 tons, was then at Ounalaska fitting up to go to Akoutan Pass for the same purpose this fall. The law forbids the killing of all fur-bearing animals in Alaskan waters by any hunters except the natives, yet such is done every year at Kodiak, Sanaka, and the Aleutian Islands by white hunters fitted out by the Alaskan Commercial Company, under the agreement that the furs must be sold to the Company.

(Signed)

H. F. SIEWARD, *Master,**American schooner "Walter L. Rich."*

Victoria, British Columbia, August 10, 1889.

Walter House.

I was a hunter on the schooner "Walter L. Rich," on her sealing voyage this year. It was my first year on the Pacific coast, but I had had seven years' experience on the Newfoundland coast catching hair-seals. This year on the "Rich" I got 185 seals and lost five, which sank before I reached them. I used a shot-gun. The hunters on the "Rich" lost about the same proportion, some a few more, some less. I never saw a cow seal in the water with her young beside her or near her, nor have I ever heard of such a case.

(Signed)

WALTER HOUSE.

Victoria, British Columbia, August 10, 1889.

Memorandum

ESTIMATE of the Amount paid for Wages, &c., of the Victoria Sealing Fleet, and the probable Returns.

							Dollars.
Wages of crew and hunters, per vessel	..	..	..	..	..	..	7,000
Insurance premium on 8,000 dollars, at 7 per cent.	..	..	..	..	..	..	560
Provisions, salt, ammunition, &c.	..	..	..	..	..	..	3,000
Total per vessel	..	..	..	..	..	..	10,560
For twenty vessels employed	..	..	..	..	..	..	211,200
An average catch per vessel at, say	..	..	..	..	..	..	2,000 skins.
Value per skin, 7 dol. 50 c.	..	..	..	..	..	..	15,000 dollars.
Value for twenty vessels	..	..	..	..	..	..	300,000 "

Two thousand skins is a low estimate per vessel, and were it not for the interference of the United States' cutters in Behring's Sea, the catch per vessel would average quite 3,000 skins.

Captain William O'Leary.

I am a master mariner, and have been seal-hunting on the Pacific coast four years, three of which I was in Behring's Sea as well. One year I had Indian hunters only, and the three years I had white hunters only—all on the schooner "Pathfinder." My experience with Indian hunters is that they lose none—at most a few—of the seals they spear. The spears are "bearded," some with one, some with two beards, and once the seal is struck, capture is certain.

White hunters use shot-guns and rifles, according to distance and state of water. On smooth water and at long ranges the rifle is generally used, but the majority of hunters use the shot-gun, and the great majority of seals are shot with guns.

The number of seals lost by white hunters does not exceed six in 100, and many hunters lose much less than that number. About half of the seals taken along the coast are cows, and perhaps two-thirds of the cows are with young. Putting a vessel's coast catch at 400, from 150 to 175 might be cows with young. In Behring's Sea the average of cows with young killed will not average one in 100, for the reason that as soon as the cows reach the sea they go to the breeding islands where their young are born.

I never saw cows in the water with their young with them. I do not think there is any decrease in the number of seal entering Behring's Sea. I never saw so many seal along the coast as there were this year, and in Behring's Sea they were more numerous than I ever saw before. This year I shot forty-four seals and lost one.

(Signed) WM. O'LEARY.

Victoria, British Columbia, September 12, 1889.

Frederick Gilbert.

I am a seal hunter. I have been four years on board sealing-vessels, one year I was a boat rower, and three years a hunter. I have always been with white hunters, and have used the shot-gun and rifle for shooting seals.

In 1887 I got 518 seals and lost 14; in 1888 I got 244 and lost 5; in 1889 I got 454 and lost 16; or in the three years I got 1,216 seals, and lost 35, or 2½ per cent. I never shot or saw pups with the cows in the water, nor have I ever heard of such a case. Some hunters lose a few more than I do, but the most unlucky hunters I have met with did not lose twice as many.

(Signed) FRED. GILBERT.

Victoria, British Columbia, September 12, 1889.

George Howe.

My first year's sealing, 1886, was on board the "Theresa" from San Francisco to Victoria. We left San Francisco on the 20th January, and arrived at Victoria on the 7th April. I got 159 seals, of which I lost about 7. I used a shot-gun principally, the rifle only for long range shooting, say, from 30 to 60 yards. At Victoria I left the "Theresa" and joined the "Pathfinder." The "Pathfinder" left Victoria on the 4th May for Behring's Sea, and that trip I got 442 seals and lost about 20. In 1887 I joined the "Penelope," and left Victoria on the third February. I got 618 seals during the season and lost 31. In 1888 I did not go sealing, but in 1889 I was engaged on the schooner "Viva;" we left Victoria on the 19th January, and I got 734 seals during the season and lost 37. I never saw a young pup alongside its cow in the water.

About one-third of the seals taken on the coast are cows with pup or capable of being with pup. In Behring's Sea I got four cows with pups in them.

(Signed) GEORGE HOWE.

Thomas Howe.

In 1886, on board the "Theresa" and "Pathfinder," I got for the season 397 seals, and lost about 20. In 1887, on the schooner "Penelope," I got 510 and lost about 30. In 1888, on the "Lily Lad," I got 316 and lost 12. In 1889, on board the "Viva," I got 587 and lost 27.

(Signed) THOMAS HOWE.

Albert J. Bertram.

This was my first year hunting seals. I went out on the "Annie C. Moore." We left Victoria on the 25th January. I got during the season 320 seals. I use a shot-gun principally. On the coast I got about 25 to 30 females with young in them, and in Behring's Sea I got about 6 or 7. I never saw a cow with her pup alongside of her in the water. I lost 21 seals that sank before I could reach them.

(Signed) A. J. BERTRAM.

Statement by Mr. Milne.

WITH regard to the early history of the sealing industry in British Columbia, it is well known that, owing to the sparse Settlements on the west coast of Vancouver and Queen Charlotte Islands, the taking of seals and the hunting of the sea otter was followed only by our Indian population, who pursued this industry in their own primitive manner, that is, by using the canoe and spear, and seldom venturing beyond sight of land. Their success was only known to the traders who had stores or stations, or trading schooners usually visiting the west coast during that season; the white population up to later years being chiefly engaged in other occupations. Sealing and deep-sea fishing did not seem to attract much attention. The few seals caught by the Indians adjacent to the coast was not considered sufficient inducement to our seamen, and also the habits of the seal, their regular yearly migration from Behring's Sea, and their long journey and return following the food fish, were all matters not full known or understood by our people. At all events, it does not appear that that knowledge was possessed of the seal life by our hunters, presented any extra inducement to them to follow this hazardous occupation.

Up to the year 1865-66 the sealing industry remained in the hands of the west coast Indians; but in the year 1866 the schooner "Kate," of Victoria, British Columbia, in charge of Dutch Harry and Ogilvie, left Victoria on a sealing and trading venture to the North Pacific and Behring's Sea. The success of the venture is unknown. It is said that this voyage was more for trading than seal hunting, and as expeditions of the former kind were plentiful at that time, the United States having about that time acquired possession of Alaska. It is now generally believed that they did not enter Behring's Sea for the purpose of sealing. At all events, the parties are now dead, and no authentic record can be found as to their success (if any) as a sealing voyage. After that time some few years appear to have elapsed before the sealing business was much noted, it being attractive to only a few traders engaged on the west coast in the usual barter and exchange with Indians.

The pioneers of the sealing industry, namely, James D. Warren, Hugh McKay, and William Spring (of whom the first mentioned only survives to impart the early history of the now important industry) reaped the reward of toil, and have retired to enjoy the fruits of their labour.

About the years 1878-79 the schooners belonging to the port of Victoria, British Columbia, began to extend their voyages seawards, and the migrations of the seals became better understood. Schooners cruising southerly in the early spring months would meet the returning seals, bound northward. At this time the following schooners engaged in this traffic:—

"Thornton"	Owned by Captain J. D. Warren.
"Anna Beck"	Ditto.
"Favorite"	Owned by Captain Hugh McKay.
"Onward"	Ditto.

In the year 1880 the schooner "Mary Ellen," a vessel 63 tons, was purchased by William Spring, and added to the sealing fleet at Victoria; and in the years 1881-82 auxiliary steam power was added to the "Anna Beck" and "Thornton," and several new vessels were built. The sealing industry at this time was considered in a fairly prosperous condition.

In the year 1882, the American schooner "San Diego," of San Francisco, of which Daniel McLean was master, his brother Alexander McLean being mate (both Nova Scotians), fitted out in San Francisco for the North Pacific and Behring's Sea on a walrussing and sealing voyage. With a crew of thirteen men they hunted along the west coast of California and British Columbia, starting about the 1st June, 1883.

During the voyage, which lasted till the end of August, they spoke no vessel or Revenue-cutter, nor had any communication with any one. They returned to Victoria after a successful voyage.

The following vessels were engaged on the west coast as sealers in the years 1882-83, but which did not enter Behring's Sea. All were fairly successful:—

Schooners—	Tons.
"Favorite"	80
"Alfred Adams"	60 (69)
"Anna Beck"	40
"Dolphin"	60
"Grace"	77
"Onward"	35
"Thornton"	29
"W. P. Sayward"	60
"Black Diamond"	82

In the year 1884 the schooner "Mary Ellen," of Victoria, British Columbia, Daniel McLean master, fitted out at San Francisco with a crew of sixteen men to hunt seals along the west coast, and entered Behring's Sea about the 15th June and left about the end of August of the same year. The voyage was satisfactory to owners and crew. They prosecuted their legitimate and peaceful voyage to the high seas without any interference from any one.

In the same year the schooners "Favorite," "Anna Beck," "Alfred Adams," "Dolphin," "Grace," "Onward," "Thornton," "W. P. Sayward," and "Black Diamond," were all engaged in the sealing industry in the North Pacific.

In the year 1885—considered a prosperous one for sealers—the "Mary Ellen" and "Favorite," of Victoria, having entered Behring's Sea during June and leaving about the end of August, and the other schooners, as per list attached hereto, hunted in the North Pacific, but not entering Behring's Sea.

A number of vessels were added to the fleet in the following year (1886), and the enterprising firm, Carne and Munsie, brought around Cape Horn the schooner "Pathfinder." This latter led to some immigration from eastern provinces of the hardy class of seamen so well adapted to the sealing industry. All the vessels clearing from Victoria, British Columbia, entered Behring's Sea with the exception of the schooners "Active" and "Rustler," lost off Vancouver's Island.

The same year (1886) is also remarkable for the seizures of the "Carolina," "Onward," and "Thornton," the attending circumstances of which is now a matter of history. These vessels, fitted out at Victoria for sealing in the waters of the North Pacific Ocean and Behring's sea, and at the time of seizure (1st and 2nd August, 1886), were about 70 miles from the nearest land.

The United States' Revenue-cutter took them to Ounalaska. The crews of the "Carolina," and "Thornton," with the exception of the captain and one man detained on board, were sent to San Francisco, nearly 1,000 miles from home, and turned adrift to beg their bread, and by appealing to the charity of the humane to find their way back to their homes on Vancouver's Island. The crew of the "Onward" was kept at Ounalaska. The master and mate of the "Thornton" were brought to trial before a Judge named Dawson, in the United States' District Court at Sitka; and if half the stories that are told are true as to the manner in which Courts are conducted in Alaska, we cannot be surprised at the verdict. The trial was a farce on justice, where international law or comity had no consideration. "The Britisher must suffer," and he was found guilty accordingly. The master of the "Thornton" was sentenced to thirty days' imprisonment and a fine of 500 dollars; the mate to thirty days' imprisonment and a fine of 300 dollars. The master and mates of the "Onward," as also the officers of the "Carolina," were likewise mulcted of similar penalties. The master of the latter vessel, one James Ogilvie, an old man and a pioneer of British Columbia, well thought of by owners and crews sailing from his port, of Victoria, after suffering harsh and inhuman treatment at the hands of the servants of the mighty Republic which blatantly proclaims its love for the right, was suffered to wander into wood, where he died from want and exposure.

The other masters and mates, after remaining in prison for several months, were released by order of the Governor of Alaska upon his being besought by the inhabitants of Sitka in the interests of humanity. They were turned out of confinement literally destitute, without food or shelter, and compelled to find their way back as best they might to their homes 1,500 miles distant, reached only by a long and costly voyage, or by the friendly help of the Indian and a canoe over a tempestuous wintry ocean.

The story of poor Ogilvie, the taunts of an unscrupulous Judge, characterizing them as pirates and robbers, the subsequent imprisonment in a foul Alaskan dungeon (fit only for a savage Aleut), will long be told as a travesty on the humane acts of a friendly Government.

The schooners have since lain on the beach at Ounalaska, worm-eaten and worthless. In 1887 the Government of the United States concluded to give these vessels up, and in a letter from Mr. Bayard to Sir L. West, dated the 11th October, 1887, the following extract appears:—

"In the meantime, in acknowledging your note, I take occasion to state my impression that if the three vessels seized and ordered to be released have not been re-possessed by their owners, it is not because of any hindrance on the part of any official of this Government or failure to obey the order for release, but probably because of the remoteness of the locality (Ounalaska) where they were taken after arrest for adjudication, and the proceedings having been *in rem*, the owners have not seen proper to proceed to Alaska to re-possess themselves of the property in question."

Again, on the 13th October of the same year we find the following from Mr. Bayard to Sir L. West:—

"Sir,

"Department of State, Washington, October 13, 1887.

"Continuing my reply to your note of the 29th ultimo inquiring the reason for the delay in complying with the order issued in January last for the release of the British vessels seized last year in Behring's Sea, I beg leave to inform you that I have this day received a communication from my colleague, the Attorney-General, informing me that his telegram to the United States' Marshal at Sitka of the 26th January last, ordering the release of the British schooners "Onward," "Caroline," and "Thornton," owing to some misconception and mistake on the part of the official to whom it had been addressed, had not been acted upon. A renewed order has gone forward for their release, as had been distinctly directed last January, and which I had no reason to doubt had been promptly obeyed."

(Signed) "T. F. BAYARD."

From the foregoing it naturally would be believed by all reasonable people that the Secretary of the United States would have had due respect for the proprieties of international comity, and see that his order would be carried into effect before the close of the year 1887. Such was not the case, whatever intervened in this diplomatic shuffle. It did not materialize before the 1st November, 1888, and not until the 10th November of that year did Messrs. Carne and Munsie receive the following:—

*"District of Alaska, United States' Marshal's Office
Sitka, November 1, 1888.*

"Sir,

"You are hereby authorized and directed to deliver to the rightful owner, Messrs. Munsie and Co., Victoria, British Columbia, the seized schooner "Caroline," of Victoria, British Columbia, her tackle, apparel, and furniture, as she now lies in the Harbour of Ounalaska.

(Signed)

"BARTON ATKINS, United States' Marshal.

"E. H. Wall, Esq., United States' Deputy Collector of Customs,
Ounalaska, Alaska."

*"District of Alaska, United States' Marshal's Office,
Sitka, November 1, 1888.*

"Gentlemen,

"I have the honour to inform you that I have received from the honourable Attorney-General of the United States orders to release to the rightful owners the schooner "Caroline," her tackle, apparel, and furniture, as she now lies at the Harbour of Ounalaska, in the district of Alaska. The order on the Deputy Collector of Customs at Ounalaska to deliver to you the property is herewith inclosed.

"Very respectfully,
(Signed) "BARTON ATKINS, *United States' Marshal.*

"Messrs. Munsie and Co.,
Victoria, British Columbia."

In the year 1887 the vessels enumerated on list on p. 178 entered Behring's Sea after finishing the spring season. The names of the schooners and dates of the seizure, together with dates of their sale at Port Townsend, W. T., where they were taken after postponements and delays, also appear. They were sold on the 26th March, 1889, currently report at the time disposed of at a nominal value.

All the vessels named on the list, p. 179, went to sea in 1888, proceeding to Behring's Sea, and were, with the exception of the "Araunah," which was seized, successful. This seizure was made on the 1st July of that year by the Russian schooner "Alexander II," and taken to the port of Vladivostock Russian Siberia.

All the vessels enumerated on p. 179 went to Behring's Sea in 1889, and the return of the "Triumph" and capture of the "Black Diamond," and subsequent escape, are all fresh in the memories of our people, and need not be here repeated.

In conclusion, I have omitted remarks on the many questions arising in regard to the seizure of our vessels, feeling assured that the Government is doing everything to bring the matter to a speedy settlement. Also in regard to the habits of the seal, many erroneous opinions being given in the American press, and by the paid officials of the Alaska Fur Company as to the loss of seals by wanton slaughter (as they term it) of our sealers, I have made due and diligent inquiry as to the percentage of seals liable to be lost after being shot, and from what I have gathered, it amounts, at most to only 6 per cent.

The habits of the seal are now well understood. They travel singly and in pairs, not in droves or numbers as has been supposed by some, and to cover a large expanse of water. They are found 400 miles westward of Vancouver Island, and migrate to Behring's Sea in September and October. The pups leave later in November, the temperature of the water having some influence upon their movement, but they always return to Behring's Sea in June of every year.

VESSELS cleared for North Pacific Ocean and Behring's Sea, 1885.

Schooners.					Tons.	
Mary Ellen	..	..	..	..	63	White crew and hunters.
Favorite	..	..	..	..	80	White crew and Indian hunters.

VESSELS cleared for North Pacific Ocean, but did not enter Behring's Sea.

Schooners.					Tons.	
Alfred Adams	..	..	..	..	69	
Anna Beck	..	..	..	..	46	
Black Diamond	..	..	..	..	82	
Carolina	..	..	..	..	32	
Dolphin	..	..	..	..	60	
Grace	..	..	..	..	77	
Kate	..	..	..	..	58	
Mountain Chief	..	..	..	..	23	
Onward	..	..	..	..	35	
Thornton	..	..	..	..	29	
W. P. Sayward	..	..	..	..	60	

VESSELS cleared for North Pacific Ocean and Behring's Sea, 1886.

Schooners.					Tons.	
Alfred Adams	..	..	..	..	69	
Anna Beck	..	..	..	..	46	
Active	..	..	..	..	42	Foundered April 1, 1887.
Black Diamond	..	..	..	..	82	
Dolphin	..	..	..	..	80	
Favorite	..	..	..	..	80	
Grace	..	..	..	..	77	
Carolina	..	..	..	..	32	Seized August 2, 1886, by United States' Government.
Kate	..	..	..	..	38	
Mountain Chief	..	..	..	..	23	
Mary Ellen	..	..	..	..	63	
Onward	..	..	..	..	35	Seized August 1, 1886, by United States' Government.
Penelope	..	..	..	..	70	
Pathfinder	..	..	..	..	66	
W. P. Sayward	..	..	..	..	60	
Thornton	..	..	..	..	29	Seized August 1, 1886, by United States' Government.
Teresa	..	..	..	..	63	
Rustler	..	..	..	..	29	Wrecked February 26, 1887.

"Rustler" did not enter Behring's Sea.

VESSELS cleared for North Pacific Ocean and Behring's Sea, 1887.

Schooner.					Tons.	Disposition.
Ada	..	..	..	..	55	Seized August 25, 1887, and sold by United States' Government at Port Townsend, W. T., March 26, 1889.
Alfred Adams	..	..	..	..	69	
Anna Beck	..	..	..	..	40	Seized July 2, 1887, and sold by United States' Government at Port Townsend, W. T., March 26, 1889.
Black Diamond	..	..	..	..	82	
Dolphin	..	..	..	..	60	Seized July 12, 1887, and sold by United States' Government at Port Townsend, W. T., March 26, 1889.
Favorite	..	..	..	..	80	
Grace	..	..	..	..	77	Seized July 17, 1887, and sold by United States' Government at Port Townsend, March 26, 1889.
Juanita	..	..	..	..	48	
Kate	..	..	..	..	58	
Mary Taylor	..	..	..	..	43	
Mountain Chief	..	..	..	..	23	
Mary Ellen	..	..	..	..	63	
Penelope	..	..	..	..	70	
Pathfinder	..	..	..	..	66	
Sapphire	..	..	..	..	124	
W. P. Sayward	..	..	..	..	60	Seized July 9, 1887, by United States' Government, and released under bonds.
Triumph	..	..	..	..	15	
Teresa	..	..	..	..	63	
Viva	..	..	..	..	92	
Wanderer	..	..	..	..	16	
Lottie Fairfield	..	..	..	..	150	

VESSELS cleared for North Pacific Ocean and Behring's Sea, 1888.

Schooners.				Tons.	Disposition.
Annie C. Moore ..	..	..	..	113	Seized July 1, 1888, by Russian Government.
Araunah ..	..	..	..	71	
Aurora ..	..	..	..	41	
Black Diamond ..	..	..	..	82	
Favorite ..	..	..	..	80	Coming.
Juanita ..	..	..	..	40	
Kate ..	..	..	..	58	
Lily ..	..	..	..	69	
Letitia ..	..	..	..	28	
Mary Taylor ..	..	..	..	43	
Mountain Chief ..	..	..	..	23	
Mary Ellen ..	..	..	..	63	
Maggie Mc ..	..	..	..	71	
Penelope ..	..	..	..	70	
Pathfinder ..	..	..	..	66	
Sapphire ..	..	..	..	124	
W. P. Sayward ..	..	..	..	60	
Triumph ..	..	..	..	16	
Teresa ..	..	..	..	63	
Triumph ..	..	..	..	98	
Viva ..	..	..	..	92	
Wanderer ..	..	..	..	16	
Winifred ..	..	..	..	13	

VESSELS cleared for North Pacific Ocean and Behring's Sea, 1889.

Schooners.				Tons.	
Ariel ..	..	..	..	90	Seized July 11.
Annie C. Moore ..	..	..	..	113	
Aurora ..	..	..	..	41	
Black Diamond ..	..	..	..	82	
Favorite ..	..	..	..	80	Seized July 31.
Juanita ..	..	..	..	40	
Kate ..	..	..	..	58	Seized August 27. Seized July 15.
Lily ..	..	..	..	69	
Letitia ..	..	..	..	28	
Mary Ellen ..	..	..	..	63	
Mary Taylor ..	..	..	..	43	
Maggie Mc ..	..	..	..	71	
Mountain Chief ..	..	..	..	23	
Pathfinder ..	..	..	..	66	
Minnie ..	..	..	..	46	
Penelope ..	..	..	..	70	
Sapphire ..	..	..	..	124	
W. P. Sayward ..	..	..	..	60	
Triumph ..	..	..	..	98	
Teresa ..	..	..	..	63	
Triumph ..	..	..	..	15	
Viva ..	..	..	..	92	Ordered off July 11.
Wanderer ..	..	..	..	16	
Winifred ..	..	..	..	13	

Besides our own twenty-four British vessels, it is said that thirty-two of other nations have cleared at San Francisco and Puget Sound ports, all intending to go to Behring's Sea this year.

Owners.	Vessel.	Tonnage.	Value of Outfit.	White Men.	Indians.
Carne and Munsie	Mary Taylor	43	Dollars. 8,000	5	22
Ditto	Pathfinder	66	10,000	22	..
Ditto	Viva	92	12,000	22	..
D. McLean	Mary Ellen	68	8,000	21	..
E. C. Baker and Co.	Triumph	98	14,000	30	..
C. Spring	Favorite	80	8,000	7	30
Ditto	Kate	58	7,000	5	30
Not known	Aurora	41	8,000	4	24
Jacobsen	Minnie	46	8,500	4	30
Marvin and Cox	Sapphire	124	15,000	6	40
McDonald	Winifred	13	2,500	5	10
A. Frank	Black Diamond	82	9,500	5	30
Ditto	Lily	69	8,500	5	36
Gray and Moss	Penelope	70	10,000	20	..
Dodd and Co.	Maggie Mc.	71	10,000	21	..
Lundberg and Co.	W. P. Sayward	60	8,000	5	50
Hall and Goepel	Juanita	40	6,000	5	28
Moore and Hackett	Annie C. Moore	113	15,000	22	..
Babington and Co.	Teresa	63	10,000	20	..
Bucknan	Ariel	90	9,000	21	..
Indians	Mountain Chief	23	3,000	..	20
Paxton and Co.	Wanderer	16	5,500	3	20
Muir, Brothers	Triumph	15	3,000	3	15
Indians	Letitia	28	2,000	..	20
		1,464	200,500	262	375

Memorandum.

ESTIMATES of the Amount paid for Wages, &c., of the Victoria Sealing Fleet, and the probable Returns.

Wages of crew and hunters, per vessel	..	..	..	..	Dollars. 7,000
Insurance premium on 8,000 dollars, at 7 per cent.	..	..	..	..	560
Provisions, salt, ammunition, &c.	..	..	..	..	3,000
Total per vessel	..	..	..	..	10,560
For twenty vessels employed	..	..	..	..	211,200
An average catch per vessel at, say	..	..	..	..	2,000 skins.
Value per skin, 7 dol. 50 c.	..	..	..	..	15,000 dollars.
Value for twenty vessels	..	..	..	..	300,000 "

Two thousand skins is a low estimate per vessel, and were it not for the interference of the United States' cutters in Behring's Sea, the catch would average quite 3,000 skins per vessel.

Appendix 3.

Declaration of Carl A. Lundberg.

City of Victoria, Province of British Columbia,

Dominion of Canada.

I, CARL A. LUNDBERG, of the city of Vancouver, in the Province of British Columbia, late of the city of Yokohama, Japan, fisherman, do solemnly and sincerely declare as follows:—

1. In the year 1883 I was ship-keeper of the schooner "North Star," of Yakohama aforesaid. The said schooner was engaged in hunting and fishing in Okhotsk Sea and Kurile Islands.

2. In the month of September the said schooner was in the vicinity of Robin Bank, or Island, returning from Cape Patience. One day towards the end of said month of September, I, with a number of others from the said schooner, landed on a beach of said Robin Island.

On the island I met the mate of the schooner "Leon," a vessel in the employ of the Alaska Commercial Company as a watch vessel, about the said Robin Bank, or Island.

The said mate had with him about fifteen natives of the Aleutian Islands. While on shore we discovered a great heap of dead and rotten seals piled against the cliff at the back of a narrow strip of smooth beach such as seals haul up on. I examined the seals, and found that they had been driven into a heap, clubbed, and afterwards a great number had been cut and mutilated so as to destroy the skins and hasten decay. The said mate of the "Leon" was present, and I asked him why he had killed all of these thousands of seals—cows and pups. He replied, "That is to keep any of these Yokohama fellows from getting anything this year." I asked him for his authority for being on the island and killing the seals. He showed me a document signed by the Alaska Commercial Company, directing him not to allow any persons to land on the island except the servants of the Company. I asked him who gave him the paper; he replied, he could not tell. The document referred to was nailed to the wall of the house occupied by the mate and his men,

3. Next morning I went back to the beach with thirty-three men, the crews of my own vessel, and the schooner "Helena," which was also at the bank. We began at once to drag the dead seals to the water, and, after three days and nights hard work, we got the beach cleared. Every man was ordered to keep count of the number of dead seals he dragged off the beach, and when the work was done we found that the total number in the pile was between 9,000 and 10,000, nearly all cows and pups. There were thousands of seals in the water, but they would not pull out on the beach on account of the stench and filth. We washed the beach as clean as we could, and turned the gravel over as far as we were able. Shortly a heavy gale came on which washed the beach quite clean again, and the seals then began to pull out.

And I make this solemn declaration, conscientiously believing the same to be true and by virtue of the Act respecting extra-judicial oaths.

(Signed) C. A. LUNDBERG.

Declared and affirmed at the City of Victoria, British Columbia, the 5th day of October, A.D. 1889.

Before me,
(Signed) A. L. BELYEA, *A Notary Public by Royal Authority
in and for the Province of British Columbia.*

No. 250.

International Arbitration and Peace Association to the Marquis of Salisbury.—(Received December 7.)

40 and 41, Outer Temple, Strand, London,
December 6, 1889.

My Lord,

THE Committee of the International Arbitration and Peace Association have had again brought under their notice the very unsatisfactory state of affairs that has long prevailed regarding the seal fisheries in Behring's Sea and the adjacent coasts.

The proceedings of the United States' cruisers in seizing and sequestering—and, in some cases, confiscating—the vessels and cargoes of British subjects engaged in fisheries on the open sea, have caused—as, no doubt, your Lordship is too well aware—excessive and prolonged irritation amongst our fellow-citizens of the Canadian Dominion, as it would appear that those in command of Her Majesty's vessels on the Pacific Coast feel themselves, for some reason, unable to check the high-handed proceedings of the United States' cruisers; while those measures of redress, long since demanded by Her Majesty's Government, and ostensibly conceded by the United States' Government, do not appear to have ever been carried out, or compensation made to the victims of admittedly lawless seizures.

Our Committee are more free in addressing your Lordship on this subject, inasmuch as the principles of international law involved in these transactions, and the violation of established Regulations affecting the freedom of the seas, both seem so clear, that they feel persuaded that the whole subject has only to be brought afresh to the serious attention of the United States' Government to insure a settlement of the questions at issue and the termination of a grave occasion for irritation and complaint on the part of Her Majesty's Canadian subjects.

In venturing thus to press this international question on the attention of Her Majesty's Government, our Committee take leave to refer to your Lordship's despatch of the 10th September, 1887, in which the whole history of the case is clearly recapitulated, and the judicial principles concerned are cogently indicated.

Our Committee trust that now that public attention has been again drawn to this cause of prolonged friction, the arguments in the above-named valuable State paper will be again placed before the authorities of the United States, and feel persuaded that an amicable settlement may now be speedily sought for and attained.

We have, &c.

(Signed) W. MARTIN WOOD, *Vice-Chairman.*
J. FREDK. GREEN, *Secretary.*

No. 251.

The Marquis of Salisbury to Sir J. Pouncefote.—(Substance telegraphed.)

Sir,

Foreign Office, December 7, 1889.

I HAVE been informed that a telegram has been received by the Secretary of State for the Colonies from the Governor-General of Canada, reporting that his Council have expressed the following views in regard to reopening negotiations with the United States' Government on the subject of the Behring's Sea seal fishery.

It is held by the Government of Canada, on evidence which they deem sufficient, that no real danger exists of the extermination of the seal fishery in Behring's Sea. They therefore contend that, if the United States' Government are not of that opinion, that Government should make the proposals which they consider necessary for the protection of the species.

If, however, the renewal of negotiations is considered expedient by Her Majesty's Government, Canada will agree to that course on the following conditions:—

1. That the United States' Government shall first abandon any claim to regard the Behring's Sea as a *mare clausum*, and that any existing legislation in the United States, which would seem to support that claim, shall be either amended or repealed.

2. That there shall be a direct Representative of Canada on the British Commission entrusted with the negotiations, in the same manner as at the negotiations for the Treaty of Washington in 1871, the Fisheries Commission under that Treaty, and the Treaty of Washington of last year.

3. That any conclusions which may be the result of the negotiations shall be referred to the Dominion Government for approval.

4. That Great Britain and Canada, without Russia, shall conduct any negotiations for compensation for losses to British subjects arising out of the action of the United States' authorities.

I have to request you to inform me whether you consider that these proposals will furnish the bases of possible negotiation.

I am, &c.
(Signed) SALISBURY.

No. 252.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received by telegraph, December 10.)

My Lord,

Washington, December 12, 1889.

IMMEDIATELY on the receipt of your Lordship's telegram of the 7th instant, containing certain proposals of the Dominion Government in relation to the Behring's Sea question, and instructing me to report whether, in my opinion, those proposals furnished a basis of possible negotiation, I obtained an interview with Mr. Blaine, and I sounded him on the subject of Canada being directly represented in any diplomatic negotiations which might be renewed for the settlement of the controversy. Mr. Blaine at once expressed his absolute objection to such a course. He said the question was one between Great Britain and the United States, and that his Government would certainly refuse to negotiate with the Imperial and Dominion Governments jointly, or with Great Britain, with the condition that the conclusions arrived at should be subject to the approval of Canada.

I did not touch on the other proposals, for the following reasons.

As regards the abandonment of the *mare clausum* claim, no such claim having been officially asserted by the United States' Government, they would naturally object to withdraw it; and as regards the suggested amendment of their legislation, such a proposal would gravely embitter the controversy, and is hardly necessary, as I conceive that there is nothing in the terms of such legislation, if correctly interpreted, with due regard to international law, which supports the *mare clausum* claim.

Lastly, it has never been suggested that Russia should intervene in the question of compensation, but on that question also the United States' Government will insist on negotiating with Great Britain alone.

In my opinion, therefore, the proposals of the Dominion Government do not furnish a basis of possible negotiation.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 253.

Colonial Office to Foreign Office.—(Received December 10.)

Sir,

Downing Street, December 10, 1889.

WITH reference to previous correspondence, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram from the Governor-General of Canada, containing the views of his Government as to the proposed negotiations at Washington for the establishment of a close time for seals in Behring's Sea.

As at present advised, Lord Knutsford is disposed to think that the conditions (b), (c), (d), upon which the Dominion Government are willing to enter upon the negotiations, may be acceded to; and his Lordship trusts that the point referred to in (a) may prove capable of arrangement.

I am to take this opportunity of transmitting to you, for Lord Salisbury's information, copies of the despatch and the telegram to which this message replies.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 253.

Lord Knutsford to Lord Stanley of Preston.

My Lord,

Downing Street, November 23, 1889.

HER Majesty's Government have been informed that a proposal to renew at Washington the diplomatic negotiation commenced last year between the Governments of the United States, Great Britain, and Russia, with a view to prevent the extermination of seals in Behring's Sea by their wholesale destruction during the breeding season, would be acceptable to the Government of the United States.

In commencing negotiation it would be desirable to obtain, in the first place, an admission from the United States' Government that they have no right to claim the Behring's Sea as a *mare clausum*, and thus admission will of course remove a serious impediment which had embarrassed the discussion of the various questions at issue. Another point to be kept in view, would be the consent of the United States' Government to give such directions as may be necessary for the prevention of any further seizures of Canadian vessels in the Behring's Sea, though it may be observed that the negotiations ought to be satisfactorily concluded before April, until which month there would be no question of further seizures.

With regard to the compensation payable on account of past seizures, there is reason to believe that the United States' Government would propose that this subject should form a part of the general negotiations.

I think I am right in concluding that the Dominion Government is now prepared to concur in any reasonable arrangement for the establishment of a close season in Behring's Sea, and I therefore anticipate that your advisers will agree with Her Majesty's Government in thinking it expedient to commence the suggested negotiation at an early date, Her Majesty's Minister being assisted during the negotiation by an officer or officers of the Canadian Government.

You will understand that the conclusions which may be arrived at by the Representatives of the three Powers would be reported to their respective Governments for consideration, and would not be binding upon the subjects of any Power which has not accepted them.

I have explained to the High Commissioner for Canada the general nature of this proposal, and I shall be glad to learn by telegraph that your Ministers agree with Her Majesty's Government that Her Majesty's Minister should be instructed to propose

formally to the United States' Government the resumption of the tripartite negotiation at Washington in the event of his receiving satisfactory assurances from Mr. Blaine on the subject of the compensation claimed for British subjects, and the cessation of seizures.

I have, &c.
(Signed) KNUTSFORD.

Inclosure 2 in No. 253.

Lord Knutsford to Lord Stanley of Preston.

(Telegraphic.)

Downing Street, December 5, 1889.

HOPE that Colonial Government agree to proposal indicated in my despatch of 23rd November on the seal fishery question. Her Majesty's Government anxious for reply by telegraph as soon as possible.

Inclosure 3 in No. 253.

Lord Stanley of Preston to Lord Knutsford.

My Lord, *Government House, Ottawa, December 6, 1889.*

I HAD the honour to send to your Lordship to-day a telegraphic message, of which the following is the substance:—

“In reply to your telegram Privy Council, at a meeting held to-day, recommend a reply to be sent as follows:—

“1. Satisfactory evidence is held by Canada that the danger of extermination does not really exist.

“2. That if United States' Government holds different opinion the proposal should be made by them.

“If it is deemed expedient by Her Majesty's Government to initiate proceedings, Canadian authorities consent to a reopening of negotiations on the following conditions:—

“(a.) That the United States abandon its claim to consider Behring's Sea as a *mare clausum*, and repeal all legislation seeming to support that claim.

“(b.) That as in the cases of the Washington Treaty 1871, the Fishery Commission under that Treaty and the Washington Treaty 1888, Canada shall have direct representation on the British Commission.

“(c.) The approval of Canada to any conclusions arrived at shall be necessary.

“(d.) Russia to be excluded from the negotiations in reference to compensation and seizures.”

I have, &c.
(Signed) STANLEY OF PRESTON.

No. 254.

Foreign Office to International Arbitration and Peace Association.

Gentlemen, *Foreign Office, December 11, 1889.*

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 6th instant, in which, on behalf of the Committee of the International Arbitration and Peace Association, you call attention to the question of the seal fisheries in Behring's Sea.

I am to state, in reply, for the information of your Committee, that this matter is receiving the earnest attention of Her Majesty's Government.

I am, &c.
(Signed) P. CURRIE.

No. 255.

Colonial Office to Foreign Office.—(Received December 12.)

Sir,

Downing Street, December 12, 1889.

WITH reference to the letter from this Department of the 24th October, relating to the seizure, by the United States' authorities in Behring's Sea, of the British schooners "Juanita" and "Pathfinder," I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, for such action as his Lordship may think proper, copies of two despatches from the Deputy Governor of Canada, forwarding claims for compensation for loss sustained by reason of such seizures.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 255.

Deputy Governor Ritchie to Lord Knutsford.

My Lord,

Ottawa, November 14, 1889.

WITH reference to my despatch of the 21st ultimo, dealing with the seizure of the British schooner "Juanita" in Behring's Sea, I have the honour to transmit herewith a copy of an approved Report of a Committee of the Privy Council, submitting the claim to compensation advanced by the owners of that vessel against the United States' Government for loss incurred by reason of her seizure.

I have, &c.

(Signed) W. J. RITCHIE.

Inclosure 2 in No. 255.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 9th November, 1889.

ON a Report, dated the 4th November, 1889, from the Minister of Marine and Fisheries, submitting, in connection with the seizure in the Behring's Sea of the British schooner "Juanita," the circumstances attending which were detailed in a Minute of Council dated the 14th September, 1889, formal statements and claim to compensation for loss incurred by reason of the seizure of said vessel, and the transfer of the United States' Revenue cutter "Richard Rush" of her cargo of sealskins and twelve spears, as well as the estimated balance of sealskins to complete the vessel's catch had she not been interfered with in the legitimate pursuit of her calling, which, with incidental expenses, aggregate 14,695 dollars.

The Minister observes that the claim is advanced by Mr. Richard Hall, of Hall, Goepel, and Co., of Victoria, British Columbia, part owners and business managers, and by Mr. Charles E. Clarke, part owner and master of the vessel in question; and he recommends that this claim be forwarded through the proper channel to Her Majesty's Government, for transmission to the Government of the United States.

The Committee advise that your Excellency be moved to forward copies hereof to the Right Honourable the Secretary of State for the Colonies for transmission to the Government of the United States, as recommended by the Minister of Marine and Fisheries.

All which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. MCGEE,

Clerk, Privy Council.

Inclosure 3 in No. 255.

Affidavit of Charles E. Clarke.

City of Victoria, Province of British Columbia,
Dominion of Canada.

I, CHARLES E. CLARKE, of the city of Victoria, in the Province of British Columbia, Dominion of Canada, master mariner, do solemnly and sincerely declare as follows:—

1. I am the duly registered owner of sixteen sixty-fourths of the British vessel "Juanita," schooner-rigged, of the port of Victoria aforesaid, the other owners of said vessel being Richard Hall, merchant, William J. Goepel, merchant, both of the said city of Victoria, and Hans Helgeson, of the same place, fisherman, each owning an equal number of shares in said vessel.

2. On the 7th day of May, A.D. 1889, I cleared the said "Juanita" at the Custom-house at the said port of Victoria for a sealing and hunting voyage in the North Pacific Ocean and Behring's Sea. On the said voyage I was master of said vessel, and had a sailing crew of four men. The "Juanita" sailed from the port of Victoria on the 8th May last, and was equipped and provisioned for a full season's voyage and purposes above mentioned.

3. On the west coast of Vancouver Island I took on board fourteen Indian hunters, and then sailed northward.

4. On the 2nd day of July last the "Juanita" entered Behring's Sea through the Ounimak Pass.

5. Early in the morning of the 31st July last the United States' Revenue cutter "Richard Rush" steamed up to the "Juanita" and demanded that I heave my vessel to. I did so, and was at once boarded by three officers from the "Rush." The officer in charge asked me if I had any sealskins on board, and asked me if I had taken any seal in Behring's Sea. I told him I had come into the sea on the 2nd July, and had about 600 skins on board. He then reported to the Captain of the "Rush," informing me that he would have to seize my vessel and her cargo.

6. The Captain of the "Rush" ordered the sealskins to be taken from the "Juanita" and put on board the "Rush," which was at once done, the number taken being 600. A demand was made by the boarding officer for my ship's papers, and all guns, ammunition, and spears on board. He obtained the ship's papers and spears (twelve in number), which were taken on board the "Rush."

7. Hereto annexed, marked "A," is a copy of the certificate of seizure given to me by the officer from the said steamer "Richard Rush," who also instructed me to proceed to Sitka, in the territory of Alaska, and to deliver a sealed letter, which he then handed me to the United States' District Attorney of that place.

8. Being unable to continue sealing and hunting, I sailed out of Behring's Sea, and arrived at Victoria aforesaid on the 30th day of August last.

9. On my arrival at Victoria I handed the said sealed letter to the Collector of Customs.

10. Had the "Juanita" not been seized, and her hunting implements taken away, I verily believe that the said "Juanita" would have made a total catch in Behring's Sea the full season of 1889 of not less than 1,800 sealskins.

Declared at the city of Victoria, British Columbia, by the said Charles E. Clarke, the 15th day of October, A.D. 1889.

(Signed) CHARLES E. CLARKE.

Before me,

(Signed) ARTHUR LOUIS BELYEA,

A Notary Public by Royal authority in and for the Province of British Columbia, residing and practising at Victoria aforesaid.

Inclosure 4 in No. 255.

Certificate.

United States' steamer "Rush," Behring Sea,
 To whom it may concern. *Lat. 55° 42' N., Long. 170° 40' W., July 31, 1889.*

THIS will certify that I have this day seized the British schooner "Juanita," of Victoria, British Columbia, C. E. Clarke, master, for violation of Law, section 1956, Revised Statutes, United States, and taken possession of his ship's papers, consisting of registry and clearance.

(Signed) *L. G. SHEPARD, Captain,*
United States' Revenue Marine.

This is the exhibit marked (A) referred to in annexed Declaration of Charles E. Clarke, made before me the 15th day of October, 1889.

(Signed) *A. G. BELYEA, Notary Public.*

Inclosure 5 in No. 255.

Affidavit of Richard Hall.

City of Victoria, Province of British Columbia,
 Dominion of Canada,

I, RICHARD HALL, of the city of Victoria, in the Province of British Columbia, Dominion of Canada, merchant, of the firm of Hall, Goepel, and Co., do solemnly and sincerely declare as follows:—

1. That the said firm of Hall, Goepel, and Co., are the owners of thirty-two shares of the hereinafter-mentioned schooner "Juanita," of the Port of Victoria aforesaid, and are the business managers of the said schooner.

2. The said schooner was in May last sent by the said firm on a sealing and hunting voyage in the North Pacific Ocean and Behring's Sea.

3. The said schooner returned to Victoria the last of August, having taken, as I am informed, and do believe, by the captain of the said schooner, on said voyage, 652 seal-skins, of which number the said firm received only thirty-two skins, sent to us from said schooner by the "Wanderer" before the "Juanita" entered Behring's Sea, said thirty-two sealskins having been taken outside Behring's Sea.

4. The remainder of the sealskins taken by the "Juanita" was, as I am informed by the said captain, and do verily believe, taken from the "Juanita" on or about the 31st day of July last, when said schooner was in Behring's Sea, by the orders of the Commander of the United States' steamer "Richard Rush."

5. The market value of sealskins at the said Port of Victoria on or about the 1st October instant, when, in the ordinary course, the "Juanita" would have arrived after a full season's voyage aforesaid, was 8 dollars a skin.

6. From the number of sealskins taken by the "Juanita" up to the said 31st July I verily believe that the said schooner would, in a full season, have taken at least 1,800 sealskins.

7. At the same time the sealskins were taken from the "Juanita" by the officers of the said United States' steamer "Richard Rush," there was also taken by the said officers, as I am informed by Captain Clarke, and do believe, twelve spears, the value of which was 3 dollars each, and the ship's papers.

8. The said firm of Hall, Goepel, and Co., claims damages against the Government of the United States of America for such taking and detention of sealskins, spears, and ship's papers, based upon the value of the skins actually taken, and for 1,178 skins, the balance of an estimated catch of 1,800 sealskins by the said schooner for full season of 1889 in Behring's Sea; also for the value of the said spears, and for the cost of obtaining a new set of ship's papers from the Government of Canada, and for legal and other expenses in connection with the preparation and submission of this claim.

9. That hereto annexed, marked "B," is a statement in detail of such claim.

10. That upon the sailing of the said schooner in May last, advances were made to the hunters based upon a full season's catch, and said hunters will, upon payment of such claim, be entitled to and will receive their share thereof.

And I, Richard Hall, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Act respecting Extra-Judicial Oaths.

Declared by the said Richard Hall at the city of Victoria, British Columbia, the 14th day of October, A.D. 1889.

(Signed)

RICHARD HALL.

Before me,

(Signed) A. L. BELYEA,

A Notary Public by Royal authority in and for the Province of British Columbia, residing and practising at Victoria aforesaid.

Inclosure 6 in No. 255.

(B.)

DETAILED Statement of Claim by Owners of British Schooner "Juanita" against the Government of the United States of America.

	Dols.	c.
620 sealskins taken from "Juanita" in Behring's Sea by United States' steamer "Richard Rush," at 8 dollars per skin	4,960	00
1,178 sealskins, balance of an estimated catch of 1,800 sealskins by the "Juanita" for the full season of 1889 in Behring's Sea, at 8 dollars per skin	9,424	00
12 spears, at 3 dollars	36	00
Cost of obtaining new ship's papers	25	00
Legal and other expenses incidental to the seizure	250	00
Total	14,695	00

(Signed)

RICHARD HALL.

This is the exhibit (B) referred to in the declaration of Richard Hall hereto annexed, made before me the 14th day of October, 1889.

(Signed)

A. L. BELYEA, *Notary Public.*

Inclosure 7 in No. 255.

Deputy Governor Ritchie to Lord Knutsford.

My Lord,

Ottawa, November 15, 1889.

WITH reference to my despatch of the 23rd September last, relating to the seizure in Behring's Sea of the British schooner "Pathfinder" by the United States' Revenue cutter "Rush," I have the honour to forward herewith a copy of an approved Minute of the Privy Council submitting the claim to compensation of the managing owner of that vessel for the loss sustained by reason of her seizure by the United States' authorities.

I have, &c.

(Signed)

W. J. RITCHIE.

Inclosure 8 in No. 255.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 9th November, 1889.

ON a Report dated the 5th November, 1889, from the Minister of Marine and Fisheries, submitting in connection with the seizure in Behring's Sea of the British schooner "Pathfinder," the circumstances attending which were detailed in a Minute of Council dated the 14th September, 1889, formal statement and claim to compensation for loss incurred by reason of the seizure of the vessel and the transfer of her cargo to the United States' Revenue cutter "Richard Rush," as well as the estimated balance of sealskins to complete the vessel's catch, had she not been interfered with in the legitimate pursuit of her calling, aggregating 26,765 dollars.

The Minister observes that the claim is advanced by Mr. William Munsie, of the firm of Carne and Munsie, of Victoria, managing owner of the vessel in question, and he recommends that this claim be forwarded through the proper channel to Her Majesty's Government for transmission to the Government of the United States.

The Committee advise that your Excellency be moved to forward copies hereof to the Right Honourable the Secretary of State for the Colonies, for transmission to the Government of the United States, as recommended by the Minister of Marine and Fisheries.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Inclosure 9 in No. 255.

Affidavit of William Munsie.

City of Victoria, Province of British Columbia,
Dominion of Canada.

I, WILLIAM MUNSIE, of the city of Victoria, in the Province of British Columbia, Dominion of Canada, merchant, do solemnly and sincerely declare as follows:—

1. I am a member of the firm of Carne and Munsie, merchant, of the said city of Victoria, the said firm being composed of Frederic Carne, Junior, of the same place, and myself.

2. The said Frederic Carne, Junior, is the registered owner of sixteen shares of the hereinafter mentioned schooner "Pathfinder," of the Port of Victoria; I am the registered owner of sixteen shares of the said schooner, and the said firm are registered owners of the remaining thirty-two shares. I am the managing owner of the said schooner.

3. The said schooner "Pathfinder" cleared at the Custom-house, Victoria, aforesaid, on the 17th day of April, A.D. 1889, for a hunting and sealing voyage in the North Pacific Ocean and Behring's Sea, and sailed on the 18th day of April, A.D. 1889.

4. On the said voyage William O'Leary was master, and Andrew Davidson was mate. The crew consisted of a cook, twelve seamen, and five hunters.

5. On the 24th July last I received from the said "Pathfinder" by the schooner "Wanderer" from the north, 558 sealskins which had been caught by the "Pathfinder" in the Pacific Ocean on her way northward to Behring's Sea.

6. On the 30th August last the said "Pathfinder" returned to Victoria aforesaid, having on board an officer from the United States' steamer "Richard Rush." Captain O'Leary reported to me that on the 29th day of July last the said United States' steamer "Richard Rush" hailed him in Behring's Sea about 57° 24' north latitude and 171° 55' west longitude, and ordered him to heave to. The "Pathfinder" was immediately boarded by officers from the said "Richard Rush." The officer in charge seized the "Pathfinder" and took away all the sealskins on board (854), eight shot-guns, four rifles, six boxes of ammunition, a quantity of salt, and the ship's papers. He left an officer on board in charge, and ordered Captain O'Leary to take the "Pathfinder" to Port of Sitka, in the Territory of Alaska.

7. At the time of such seizure the sealing season in Behring's Sea was less than half gone, and I verily believe that had the "Pathfinder" remained unmolested in Behring's Sea until the close of the season she would have caught not less than 2,100 sealskins. I have this on information given me by the said Captain O'Leary and by Captain Baker, of the schooner "Viva," also owned by us and managed by myself, who was in the Behring's Sea the whole season of 1889. The hunting equipment of the said two schooners was about equal.

A few days before the "Pathfinder" was seized as aforesaid, she was spoken by the "Viva." At that time the "Pathfinder" had 419 sealskins on board, and the "Viva" 420. The "Viva" caught in the full season in Behring's Sea 2,182 sealskins, and for the year a total of 3,641 skins.

8. In the year 1888, and this year 1889, the said firm of Carne and Munsie shipped their sealskins to London on their own account, and hereto annexed, marked (B), is a copy of the account sales of part of the catch of the "Pathfinder" for the year 1888; and hereto annexed, marked (C), is a copy of the account-sales of the said "Pathfinder's" catch of seals in the spring of 1889, before going north. The sealskins per first account sales (1888) netted the said firm at Victoria, British Columbia, about 12 dol. 25 c. per skin, and, per the second account sales, they netted the said firm about 10 dol. 30 c. per

skin at Victoria, British Columbia. The catch of 1889 was a spring catch, which always contains a larger percentage of small skins than the summer and fall catches, and hence realize less per skin on an even market.

9. I, for myself, the said Frederic Carne, Junior, and for the said firm of Carne and Munsie, claim damages against the Government of the United States of America for the seizure of the said "Pathfinder," and for the taking and detention of the said 854 sealskins, and for 1,246, the balance of the estimated catch of 2,100 in Behring's Sea for a full season; also for the guns, rifles, ammunition, salt, and ship's papers seized as aforesaid; and for legal and other expenses incidental to, and arising out of, such seizure, and the preparation and submission of this claim therefor, and interest thereon at 7 per cent. per annum.

10. Hereto annexed, marked (A), is a Statement in detail of such claim.

11. I am in constant communication with my agents in London, England, and from information I have received from such agents, I verily believe that the price of summer and fall catches of sealskins from North Pacific Ocean and Behring's Sea for 1889 will be fully up to the price obtained for the "Pathfinder's" catch, sold as per account-sales (B), hereto annexed, namely, 12 dol. 25 c. per skin net, at Victoria, British Columbia.

12. That I have paid in full the crew and hunters of the "Pathfinder" for the season of 1889, including the sums due to them in respect of the 854 sealskins seized as aforesaid.

And I, William Munsie, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Act respecting Extra-Judicial Oaths.

Declared by the said William Munsie, at Victoria, the 18th day of October, A.D. 1889, before me.

(Signed) WILLIAM MUNSIE.

(Signed) ARTHUR L. BELYEA,
A Notary Public by Royal authority in and for the Province of British
Columbia, residing and practising at Victoria, British Columbia.

Inclosure 10 in No. 255.

(A.)

STATEMENT of claim by owners of schooner "Pathfinder" against the Government of the United States of America, for seizure in Behring's Sea on the 29th July, 1889.

	Dol.	c.
854 sealskins (seized).		
1,246 skins, balance of estimated catch by "Pathfinder" for full season 1889 in Behring's Sea,		
2,100 skins, at 12 dol. 25 c. each	25,725	00
8 shot-guns, at 25 dollars each	200	00
4 rifles, at 25 dollars each	100	00
6 boxes ammunition, at say	200	00
Salt ..	25	00
Cost of obtaining new ship's papers	25	00
Legal and other expenses arising out of, and incidental to, such seizure	250	00
Total	26,765	00

And interest thereon at 7 per cent. per annum until paid.

(Signed) WILLIAM MUNSIE.

This is the Statement of claim referred to in the declaration of William Munsie, as marked (A), hereunto annexed, and made the 18th day of October, 1889.

Before me,
(Signed) A. L. BELYEA, Notary Public.

United States' Revenue Steamer "Rush," Lat. 57° 24' N.,
Long. 171° 55' W., Behring's Sea, July 29, 1889.

Sir,

You are hereby appointed a special officer, and are directed to proceed on board the schooner "Pathfinder," of Victoria, British Columbia, this day seized for violation of section 1956, Revised Statutes of the United States, and assume charge of said vessel, her officers, and crew, twenty white men all told.

Excepting the navigation of the vessel, which is reserved to Captain O'Leary, and which you will not interfere with, unless you become convinced he is proceeding to some other port than your port of destination, in which event you are authorized to assume full charge of the vessel. Everything being in readiness, you will direct Captain O'Leary to make the best of his way to Sitka, Alaska, and upon arrival at that port you will report in person to the United States' District Attorney for the District of Alaska, and deliver to him the letter so addressed, the schooner, her outfit, and the persons of Captain O'Leary, Mate, A. Davidson, and set the crew at liberty. After being relieved of the property and persons entrusted to your care, you will await at Sitka the arrival of the "Rush."

Respectfully,

(Signed) L. C. SHEPARD, Captain, United States'
Revenue Marine.

WILLIAM MUNSIE.

T. W. Hunter, Special Officer.

London, July 14, 1889. (Prompt, July 18, 1889.)

Account Sales.

Sold by order and for account of Messrs. Carne and Munsie, a. p. sale.

Per "Pathfinder."

C. and M.						£	s.	d.
P. 6 and p. 11 casks salted fur-seal skins.								
Lot.								
10.	67 small fur-seal skins, at 50s. each	..	..	..	..	167	10	0
11.	101 large pups ditto, at 53s. each	..	..	..	..	267	13	0
12.	74 middling ditto, at 52s. each	..	..	..	..	192	8	0
13.	97 small ditto, at 44s. each	..	..	..	..	213	8	0
14.	35 "ex" ditto, at 27s. each	..	..	..	..	47	5	0
15.	4 middling ditto, at 31s. each	..	..	..	..	6	4	0
	2 small ditto, at 31s. each	..	..	..	..	3	2	0
380						897	10	0
Discount 2½ per cent.						22	8	9
						875	1	3
June 24—						£	s.	d.
Landing charges, telegrams, &c.		..	..	..	..	1	3	9
Housing and striking, 380 at 3s. 9d. per 100		..	..	..	..	0	14	3
Piling away to sorter, 380, at 1s. 10½d. per 100		..	..	..	..	0	7	1
Weighing for average, 100, at 2s. 6d. per 100		..	..	..	..	0	2	6
Cessing for assortment, 380, at 2s. 6d. per 120		..	..	..	..	0	7	11
Counting at delivery, 380, at 1s. 3d. per 120		..	..	..	..	0	4	10
Rent on 380, at 6 p. 120 wk., 14 wks.		..	..	..	..	0	6	4
Showing for public sale, lotting, &c.		..	..	..	..	0	11	3
						3	17	1
Allowance, 20 per cent. on £2 13s. 4d.		..	..	..	..	0	10	8
						3	6	5
Assorting for sale, 380, at 5s. 2½d. per 100		..	..	..	..	0	19	10
Public sale charges, advertising, &c., 6 lots, at 3s. 6d.		..	..	..	..	1	1	0
Fire insurance, ¼ per cent.		..	..	..	..	2	4	11
Commission, 2½ per cent.		..	..	..	..	22	8	9
						30	0	11
						845	0	4

(Signed)

CULVERWELL, BROOKS, AND CO.
WILLIAM MUNSIE.

This is the exhibit marked "C" referred to in the declaration of William Munsie, made before me the 18th day of October, 1889.

(Signed) A. L. BELYEA, *Notary Public.*

Per "Pathfinder."

P. 10 casks salted fur-seal skins.						£	s.	d.
Lot.								
1.	13	small fur-seal skins, at 49s. each	..	..	..	..	31	17 0
2.	110	large pups ditto, at 58s. each	..	..	..	..	319	0 0
3.	107	middling ditto, at 58s. each	..	..	..	..	310	6 0
4.	59	small ditto, at 51s. each	..	..	..	..	150	9 0
5.	9	"ex." ditto, at 27s. each	..	..	..	..	12	3 0
	2	middling ditto, at 27s. each	..	..	..	..	2	14 0
6.	81	large pups ditto, at 52s. each	..	..	..	..	210	12 0
7.	82	large pups ditto, at 53s. each	..	..	..	..	217	6 0
8.	71	middling ditto, at 52s. each	..	..	..	..	184	12 0
9.	31	small ditto, at 43s. each	..	..	..	..	66	13 0
565							1,505	12 0
Discount $2\frac{1}{2}$ per cent.						..	37	12 10
							1,467	19 0
November 1—						£	s.	d.
		Landing charges, telegrams, &c.	..	..	..	0	17	0
		Housing and striking, 565, at 3s. 9d. per 100	..	..	..	1	1	2
		Piling away to sorter, 565, at 1s. $10\frac{1}{2}$ d. per 100	..	..	..	0	10	0
		Weighing for average, 150, at 2s. 6d. per 100	..	..	..	0	3	9
		Cessing for assortment, 565, at 2s. 6d. per 120	..	..	..	0	11	9
		Counting at delivery, 565, at 1s. 3d. per 100	..	..	..	0	5	11
		Rent on 565, at 6 p. 120 p. wk., 5 wks.	..	..	..	0	11	9
		Showing for public sale, lotting, &c.	..	..	..	0	16	11
							4	18 10
Allowance, 20 per cent. on £4 1s. 10d.						..	0	16 4
							4	2 6
Assorting for sale, 565, at 5s. $2\frac{1}{2}$ d. per 100						..	1	9 4
Public sale charges, advertising, &c., 9 lots, at 3s. 6d.						..	1	11 6
For insurance						..	1	17 8
Commission, 5 per cent.						..	75	5 8
							84	6 8
							1,383	12 6

(Signed) WILLIAM MUNSLIE.

December 4, 1888.

This is the exhibit marked "B" referred to in the declaration of William Munsie, made before me the 18th day of October, 1889.

(Signed) A. L. BELYEA, *Notary Public.*

Messrs. Carne and Munsie,

We have this day sold for your account at public auction the undermentioned goods in conformity with the sale conditions.

Prompt, the 4th December, 1888. Discount, $2\frac{1}{2}$ per cent.

Ex "Pathfinder."

P. 10 casks.						
Lot.						
1.	13	small salted fur-seal skins, at	..	..	..	49s. each.
2.	110	large pups ditto	..	..	..	58s. "
3.	107	middling ditto	..	..	..	58s. "
4.	59	small ditto	..	..	..	51s. "
5.	9	ex small ditto	..	..	..	27s. "
	2	middling	..	..	..	27s. "
6.	81	large pups ditto	..	..	..	52s. "
7.	82	ditto, ditto	..	..	..	52s. "
8.	71	middling ditto	..	..	..	52s. "
9.	29	small ditto	..	..	..	43s. "
	2	ditto, ditto	..	..	..	43s. "

Ex "Viva."

V. 32 casks.

Lot.							
10.	3 wigs fur-seal skins, at	..	..	..	..	..	70s. each.
	10 middling ditto..	..	..	..	..	..	70s. "
11.	47 small ditto	..	..	..	..	..	58s. "
12, 13.	200 large pups ditto	..	..	..	..	..	55s. "
14, 17.	372 ditto, ditto	..	..	..	..	..	56s. "
18, 21.	400 middling ditto..	..	..	..	..	..	54s. "
22, 23.	200 ditto, ditto	..	..	..	..	..	55s. "
24.	65 ditto, ditto	..	..	..	..	..	56s. "
25, 28.	400 small ditto	..	..	..	..	..	46s. "
29.	100 ditto, ditto	..	..	..	..	..	47s. "
30.	55 ditto, ditto	..	..	..	..	..	46s. "
31.	119 ex small ditto	..	..	..	..	..	32s. "
32.	39 large ditto	..	..	..	..	..	49s. "
33.	26 middling ditto	..	..	..	..	..	41s. "
34.	16 small ditto	..	..	..	..	..	32s. "
35.	16 grey ditto	..	..	..	..	..	15s. "
Total, 6,580½ 12s. 4d.							

(Signed)

CULVERWELL, BROOKS, AND Co.

47, St. Mary Axe.

CULVERWELL, BROOKS, AND Co.

27, St. Mary Axe, London, February 2, 1889.

Result of Sales of Salted Fur-Seal Skins.

17,133 North-west Coast } offered and sold.
 5,576 Lobos Island "

There was again a good demand for this important article at the sales held on the 1st instant, and all classes sold readily at the advanced prices established at the November auctions. The skins were chiefly purchased by the English, French, and American buyers. There is every indication of prices being maintained.

PRICES.

					North-west Coast.		Lobos Islands.	
					s.	s.	s.	s.
Middlings and smalls	..	..	..	..	30	40	..	..
Smalls	..	..	..	..	29	46	23	41
Large pups	..	..	..	..	30	53	29	36
Middling ditto	..	..	..	..	25	55	27	33
Small ditto	..	..	..	..	22	41	19	26
Ex small ditto	..	..	..	..	19	38	16	21
Ex. ex. small ditto	..	..	..	..	15	24	..	..

With Culverwell, Brooks, and Co.'s compliments.
 Messrs. Carne and Munsie.

CULVERWELL, BROOKS, AND Co.

27, St. Mary Axe, London, November 9, 1888.

Special Result of Sales of Salted Fur-Seal Skins, November 9, 1888.

100,000 Alaska }
 9,003 North-west Coast } offered and sold.
 13,333 Lobos Island }

There was a large attendance of buyers at these sales, and throughout active competition prevailed, and on all classes an important advance was established. In the Alaska collection the smaller sizes realized relatively the highest prices. We quote

middlings, smalls, and large pups, 28 per cent. to 26 per cent. dearer, and middlings and smalls, middling pups, small pups, and extra small pups, 43 per cent. to 48 per cent. higher.

The 9,003 North-west Coast contained one fine parcel which realized extreme rates, and on other parcels an average advance of 20 per cent. to 30 per cent was established.

The 13,333 Lobos Islands skins contained one good parcel of 2,000 skins, which realized 40 per cent higher rates. The other assortments were not of a desirable description, but 20 per cent. higher rates were paid.

The few Alaska skins dressed in their natural state by a well-known English firm, sold as follows:—

Middlings and smalls, 130s. each; small, 118s., 119s.; large pups, 93s., 94s.; middling pups, 78s.; small pups, 66s., 67s.; extra small pups, 63s. each. These prices include the cost of dressing.

PRICES.

	Alaska.		North-west Coast.		Lobos Islands.			
	s.	s.	s.	s.	s.	d.	s.	d.
Wigs			23	28	29	0	30	0
Middlings and smalls	68	120	33	45				
Middlings	88		29	45				
Smalls	68	116	29	51	27	0	30	0
Large pups	62	92	26	54	24	0	37	0
Middling ditto	50	81	21	51	21	0	37	0
Small ditto	42	66	19	39	12	0	31	0
Ex. small ditto	50	62	14	29	8	0	20	0
Ex. ex. small ditto			11	26				
Grey ditto	9	26			1	6	8	6

With Culverwell, Brooks, and Co's compliments.
To Messrs. Carne and Munsie,
Odd Fellows' Buildings, Douglas Street,
Victoria, British Columbia.

No. 256.

Colonial Office to Foreign Office.—(Received December 13.)

Sir,

Downing Street, December 13, 1889.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a telegram which he has addressed to the Governor-General of Canada respecting the proposed negotiations at Washington on the subject of a close time for seals in Behring's Sea.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 256.

Lord Knutsford to Lord Stanley of Preston.

(Telegraphic.)

Downing Street, December 11, 1889, 9 P.M.

IN reply to your telegram of 6th instant.

Sir J. Pauncefote telegraphs: Mr. Blaine says that his Government have never asserted *mare clausum* doctrine, and will make no disclaimer, but that the question will be disposed of by international agreement for close time.

United States' Government do not agree to Canadian representation in negotiation as to close time. Proceedings would not be in the form of a Commission, but a Diplomatic Conference. British Minister would be advised by Canadian Assistant; and as conclusions would not be binding unless accepted by Governments, it would seem unnecessary to press for direct representation of Canada. Russia would not intervene in negotiations as to compensation to British subjects.

No. 257.

Colonial Office to Foreign Office.—(Received December 14.)

Sir,

Downing Street, December 14, 1889.

WITH reference to the letter from this Department of the 13th instant, inclosing copy of a telegram which had been addressed to the Governor-General of Canada, relating to the proposed negotiations at Washington on the subject of the establishment of a close time for seals in the Behring's Sea, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram received from the Governor-General, in reply, communicating the views of his Government on points connected with this matter.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure in No. 257.

Lord Stanley of Preston to Lord Knutsford.

(Telegraphic.)

(Received December 14, 1889.)

SUBSTANCE of Resolutions passed at meeting of Council yesterday :—

Mare clausum doctrine has been asserted by United States of America, by instructing its officers to seize vessels in mid-ocean, by setting up that doctrine in the Courts, by obtaining condemnation of ships on that doctrine, and by selling the property of Canadians under such condemnation. Canada expects British Government not to conclude arrangement unless Behring's Sea declared in it to be free. She adheres to opinion that agreement as to close season and preservation of seals should be subject to her approval as one of the parties chiefly interested in the question.

Agreement as to close season should be terminable by each of the Parties to the Treaty. Canada fails to understand objection of the United States of America to a Canadian being direct Representative of Her Majesty's Government; but to avoid delay, will defer without further protest to course decided on by Her Majesty's Government.

No. 258.

Colonial Office to Foreign Office.—(Received December 16.)

Sir,

Downing Street, December 16, 1889.

I AM directed by the Secretary of State for the Colonies to request that you will inform the Marquis of Salisbury, with reference to the telegram from Lord Stanley of Preston on the proposal to resume negotiations respecting the Behring's Sea (a copy of which was transmitted to you in my letter of the 14th instant), that his Lordship, after conferring with Sir Charles Tupper, is of opinion that the concurrence of the Canadian Government in that proposal is now sufficiently complete, and that Her Majesty's Minister at Washington may be instructed to make a formal communication to the United States' Government on the subject.

Lord Knutsford observes with satisfaction that the Dominion Government, although strongly impressed with the necessity arising out of the acts which it recapitulates in the first sentence of the telegram under consideration of concluding no arrangement which does not either comprise or rest upon a definitive assurance as to the freedom of the Behring's Sea, is now willing to waive the requirement that a declaration by the United States' Government to that effect shall precede the resumption of the negotiations, and to leave for future consideration at what time and in what manner this assurance shall be obtained.

On the second point raised in the telegram, Lord Knutsford thinks there can be no question as to complying in some form or other with the desire of Canada that no rules as to a close season shall be finally adopted unless she concurs in them. As the negotiations between the Representatives of the three Powers will be a diplomatic discussion *ad referendum*, and as Great Britain has no special interest in the Behring's Sea except on behalf of the Canadian fishery, this country could have no object in assenting to any conclusions unacceptable to the Canadian Government.

The telegram does not state the reason for which the Dominion Government proposes

that any one party to the Agreement shall have the power of terminating it, and, on this point, it will be desirable to consider the text of the Resolutions of the Privy Council when received; but Lord Knutsford apprehends that, as the Dominion Government considers it demonstrable that no close time is needed for the preservation of the seals, *à fortiori* it holds that any close time which may be prescribed in the first instance may possibly, after trial, be found needlessly injurious to the fishery, and should be practically subject to revision.

As the Dominion Government withdraws its stipulation for the direct representation of Canada in the negotiations, it will not be necessary to discuss this point further at the present time, and Lord Knutsford concludes that simultaneously with the discussion as to the close time, a Commission, comprising a Canadian Representative, but upon which Russia will not be represented, will consider the compensation to be paid in respect of the seizures of British vessels, and other losses arising out of past interference with them.

Lord Knutsford would therefore propose, with Lord Salisbury's concurrence, to reply to this telegram that Her Majesty's Government is glad to find that the Dominion Government consents to the negotiation in the form proposed, and will consult that Government at stages, and conclude no agreement as to a close time without their approval, and requests that a Representative of the Dominion Government may be ready to proceed to Washington as soon as Sir J. Pouncefote has received his instructions.

I am, &c.

(Signed)

ROBERT G. W. HERBERT.

No. 259.

Foreign Office to Colonial Office.

Sir

Foreign Office, December 16, 1889.

I HAVE laid before the Marquis of Salisbury your letter of the 10th instant, in which you inclose copies of two despatches from the Deputy Governor of Canada, forwarding claims for compensation for losses sustained by the owners of the British schooners "Juanita" and "Pathfinder," in consequence of the seizure of those vessels by the United States' authorities in Behring's Sea.

His Lordship directs me to request you to inform Lord Knutsford, in reply, that these claims will be considered, together with those of other owners of vessels which have been seized, in the negotiations which it is proposed to conduct with the United States, and the commencement of which is waiting for the consent of the Canadian Government.

I am, &c.

(Signed)

P. CURRIF.

No. 260.

The Marquis of Salisbury to Sir J. Pouncefote.—(Substance telegraphed.)

Sir,

Foreign Office, December 17, 1889.

I COMMUNICATED to the Secretary of State for the Colonies your telegram of the 9th instant in regard to the question of reopening negotiations with the United States' Government on the subject of the seal fisheries in Behring's Sea.

The Governor-General of Canada was made acquainted with the views of the United States' Government, as expressed in that telegram, and a reply has been received from him to the following effect:—

"The Government of Canada expects that no arrangement will be concluded with the United States by Her Majesty's Government in which it is not expressly declared that the Behring's Sea is free.

"They adhere to their view that any agreement as to a close season and the preservation of seals should be made subject to the approval of Canada, as one of the parties whose interests are primarily involved; and they consider that each of the parties to the Treaty should have the power of terminating the close season Agreement.

"The Dominion Government are unable to understand why the United States should object to Her Majesty's Government being directly represented by a Canadian Delegate, but, in order to avoid delay, they are willing to defer without further protest to the course decided on by Her Majesty's Government."

I am, &c.

(Signed)

SALISBURY.

The Marquis of Salisbury to Sir J. Pauncefote.—(Substance telegraphed.)

Sir,

Foreign Office, December 17, 1889.

I HAVE to inform you that the Secretary of State for the Colonies has had under his consideration, in consultation with Sir Charles Tupper, the views of the Canadian Government, communicated to you in my despatch of this day's date, respecting the proposed reopening of negotiations with the United States on the Behring's Sea question.

Lord Knutsford is of opinion that those views express with sufficient completeness the concurrence of the Dominion Government in the bases which would render such negotiations possible.

They are willing to abandon their former demand that, before the opening of the negotiations, the United States' Government should make a declaration disclaiming any pretension to regard the Behring's Sea as a *mare clausum*.

The condition under which Canada is to be consulted before the final acceptance of any rules as to a close season would appear to present no difficulty, inasmuch as the discussions will be *ad referendum*.

Her Majesty's Government are not yet in possession of the text of the Resolution of the Canadian Privy Council, recommending that the close-season agreement should be terminable by both parties to the Treaty, but there would seem to be nothing unreasonable in such a stipulation.

Although the Canadian demand for a direct representative has been withdrawn, Lord Knutsford is of opinion that a Commission upon which Canada, but not Russia, should be represented, might consider the question of compensation for losses arising out of the action of the United States' authorities at the same time as the discussion on the close-season agreement is being carried on.

Lord Knutsford will inform the Governor-General of Canada, by telegraph, that Her Majesty's Government are glad to learn that the Dominion Government consent to the reopening of negotiations in the form proposed; that the Dominion Government will be consulted at all stages of the discussion; and that no agreement as to a close season will be concluded without their approval.

Lord Knutsford will, at the same time, suggest that a Canadian representative should hold himself in readiness to proceed to Washington as soon as you have received your instructions in regard to the negotiations.

You are now authorized to make a formal communication to the United States' Government in conformity with the instructions contained in this despatch.

I am, &c.

(Signed) SALISBURY.

Foreign Office to Colonial Office.

Sir,

Foreign Office, December 17, 1889.

IN reply to your letter of the 16th instant, I am directed by the Marquis of Salisbury to transmit herewith, for the information of Lord Knutsford, a copy of the instructions which have been addressed to Her Majesty's Minister at Washington,* directing him to make a formal proposal to the Government of the United States for the resumption of negotiations on the Behring's Sea question.

I am at the same time to say that Lord Salisbury concurs in the reply which Lord Knutsford proposes to return to the telegram from the Governor-General of Canada, a copy of which accompanied your letter of the 14th instant.

I am, c.

(Signed) P. CURRIE.

No. 263.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received December 18.)

(Telegraphic.)

Washington, December 18, 1889.

I HAVE received your telegram of yesterday.

It would be desirable that proposed communication of Colonial Office to Canada as to her consent to close season agreement be deferred.

I think Mr. Blaine will agree to an arrangement for a fixed term, and afterwards terminable at will of either party; but I am sure he will not consent to Commission to assess compensation. I have suggested that we should agree to a lump sum before the negotiation. He is considering the proposal with the President of the United States.

May I defer sending in a note until your Lordship has received my private letter, and until Mr. Blaine's answer reaches me?

No. 264.

The Marquis of Salisbury to Sir J. Pauncefote.—(Substance telegraphed.)

Sir,

Foreign Office, December 18, 1889.

I HAVE received your telegram of this day's date, respecting the proposed negotiations on the question of the seal fisheries in Behring's Sea.

With reference to the request in the last paragraph, I have to inform you that you are authorized to defer making a formal proposal to the United States' Government until you receive a reply from Mr. Blaine as to the possibility of agreeing upon a lump sum for the compensation of the owners of vessels seized by the United States' authorities.

I am, &c.

(Signed) SALISBURY.

No. 265.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received December 23.)

My Lord,

Washington, December 13, 1889.

WITH reference to my despatch of the 12th instant, I have the honour to inclose herewith an extract from the Report of the Secretary of the Treasury for the year 1889 on the subject of the seal islands in Behring's Sea.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 265.

Extract from the Report of the Secretary of the Treasury for the year 1889 on the subject of the Seal Islands in Behring's Sea.

THE lease now held by the Alaska Commercial Company, of the exclusive right to take fur-seals on the Islands of St. Paul and St. George, in Behring's Sea, expires on the 1st day of May next. By the provisions of sections 1963 to 1967, Revised Statutes, the Secretary of the Treasury is required to lease to proper and responsible parties, for the best advantage of the United States, having due regard for the interests of the Government, the native inhabitants, their comfort, maintenance, and education, the right of taking fur-seals on the islands named, and of sending vessels thereto for the skins so taken, for the term of twenty years, at an annual rental of not less than 50,000 dollars, and a revenue tax of 2 dollars upon each fur seal-skin taken during the continuance of the lease. These provisions impose a large measure of responsibility upon the Secretary, and the official record of legislative proceedings in the last preceding session of Congress indicates that it is the will of that body that such discretion should remain as originally provided in the Statute.

The present lessees of the seal islands pay an annual rental of 55,000 dollars and a combined revenue tax and royalty of 2 dol. 62½ c. per skin, and an experience of twenty years has shown the capability of the leasing system, when faithfully administered, to respond to the various public interests concerned.

The Pribylov Islands are now the only important sources of supply for merchantable seal-skins. The herd which makes those islands its home is variously estimated to number from 4,000,000 to 6,000,000 seals, but the Treasury agents on duty at the islands have begun to note an apparent decrease in the number of seals resorting to the islands in the breeding season. It is much to be desired that any such decrease is but temporary, for should the Pribylov herd disappear, there is none to replace it. It is estimated that upwards of 300,000 seals were killed by unauthorized sealing-vessels during the breeding seasons of 1888 and 1889, and as the great majority of these were cows, there was an almost equal loss of pup seals. It is obvious that the herd must soon disappear under such a decimation of its productive members, even if the habitual use of fire-arms did not tend to drive the seals away from their haunts in advance of their extermination.

The Act of the 2nd March, 1889, confers all the needed authority upon the Executive to protect the seals within the waters of the United States, but an appropriation is necessary to provide effective means for exercising that authority. There are not enough Revenue-cutters at the disposal of the Department to properly police the sealing-grounds during the dense fogs that prevail throughout the breeding season, and the great number of petty vessels engaged in marauding would render it impossible for their captors to furnish prize crews to take them all to Sitka for condemnation. The present state and prospects of the industry seem to call for prompt and energetic measures to preserve the valuable Pribylov herd from destruction or dispersion. It is suggested that a sufficient force of cruising-vessels should be chartered, equipped, and manned, as auxiliary to such Revenue-vessels as could be spared from stations, and a dépôt for prisoners established at Ounalaska, whence they could be transferred to Sitka, and dealt with according to law. It is believed that two or three seasons of energetic effort would break up the present destructive and threatening operations.

No. 266.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received December 27.)

(Telegraphic.)

Washington, December 26, 1889.

SEIZURES in Behring's Sea.

Secretary of State has been at New York during past week. I renewed discussion as to compensation this morning. He stated that he had decided to reply to the protest of Her Majesty's Government of October last, in order to place on record before the world the precise grounds on which his Government justify the seizures of our vessels, so that any compensation given may not be construed as an admission of wrong. He begged me to assure your Lordship that his reply would be sent in a few days, would not in any way embarrass the negotiations, and I will telegraph substance to your Lordship; and suspend further action pending its receipt.

No. 267.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received January 6, 1890.)

My Lord,

Washington, December : 6, 1889.

I HAVE the honour to report that I called on Mr. Blaine this morning on his return from New York, where he has been during the past week, and renewed the discussion as to the question of compensation for the seizures in Behring's Sea.

In the course of the conversation he informed me that, on further consideration, he had decided to reply to my protest in order to place on record before the world the precise grounds on which the United States' Government justify the seizure of the Canadian vessels, so that any compensation which may be granted may not be interpreted as an admission of wrong.

He begged me, at the same time, to assure your Lordship that the proposed negotiations would not be embarrassed in any way by his reply, and that he would send it in a few days.

I will telegraph the substance of his note to your Lordship as soon as I shall have received it, and I propose to suspend further action pending its receipt.

I have, &c.

(Signed) J. PAUNCEFOTE.

No. 268.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received January 6, 1890.)

My Lord,

Washington, December 26, 1889.

I HAVE the honour to transmit herewith an extract from the "Washington Post," on the subject of an advertisement which has just been issued by the Secretary of the Treasury, inviting proposals for the privilege of taking fur-seals upon the Islands of St. Paul and St. George, Alaska, for the term of twenty years from the 1st May next.

As your Lordship will observe, the number of seals to be taken during the year ending May 1891 will be limited to 60,000, and for the succeeding years the number will be determined by the Secretary of the Treasury.

I have, &c.
(Signed) J. PAUNCEFOTE.

Inclosure in No. 268.

Extract from the "Washington Post" of December 25, 1889.

THE SEAL ISLAND CONTRACT.—Secretary Windom yesterday afternoon issued the following advertisement, inviting proposals for the privilege of taking fur-seals upon the Islands of St Paul and St. George, Alaska :—

"The Secretary of the Treasury will receive proposals until 12 o'clock, noon, on the 23rd day of January, 1890, for the exclusive right to take fur-seals upon the Islands of St. Paul and St. George, Alaska, for the term of twenty years from the 1st day of May, 1890, agreeably to the provisions of the Statutes of the United States.

"In addition to the specific requirements of the said Statutes the successful bidder will be required to provide a suitable building for a public school on each island and to pay the expense of maintaining schools therein during a period of not less than eight months in each year, as may be required by the Secretary of the Treasury.

"Also to pay to the inhabitants of said islands, for labour performed by them, such just and proper compensation as may be prescribed by the Secretary of the Treasury.

"The number of seals to be taken for their skins upon said islands during the year ending May 1891 will be limited to 60,000, and for the succeeding years the number will be determined by the Secretary of the Treasury in accordance with the provisions of law.

"The right is reserved to reject any and all proposals not deemed to be in accordance with the best interests of the United States, and of the inhabitants of said islands.

"As a guarantee of good faith, each proposal must be accompanied by a properly certified cheque drawn on a United States' national bank."

No. 269.

Colonial Office to Foreign Office.—(Received January 10.)

Sir,

Downing Street, January 10, 1890.

WITH reference to the letter from this Department of the 12th ultimo, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, copies of three despatches from the Governor-General of Canada, forwarding the claims for losses incurred by the seizure in Behring's Sea of the "Triumph," the "Lily," and the "Black Diamond."

The claim in the case of the "Minnie" has not yet been received.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 269.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

Government House, Ottawa, December 16, 1889.

WITH reference to my despatch of the 26th August last,* in which I inclosed a copy of an approved Minute of the Privy Council detailing the circumstances attending the

* See Inclosure 1 in No. 222.

warning-off from the Behring's Sea of the British sealing schooner "Triumph," I have the honour to forward herewith, for transmission to the United States' Government, a copy of an approved Report of a Committee of the Privy Council, submitting formal statements and claim to compensation, on behalf of the owners, for loss incurred by reason of the said vessel being interfered with in the legitimate pursuit of her calling,

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 269.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on November 16, 1889.

ON a Report, dated the 11th November, 1889, from the Minister of Marine and Fisheries, submitting, in connection with the warning-off from the Behring's Sea of the British sealing-schooner "Triumph," the circumstances attending which were detailed in the Minute of Council dated the 22nd August last, made upon a Report of the 13th August last of the Minister of Marine and Fisheries, formal statements and claim to compensation on behalf of the owners, for loss incurred by reason of the said vessel being interfered with in the legitimate pursuit of her calling.

The Minister states that this claim amounts to 19,674 dollars, and is advanced by Mr. E. Crow Baker, of Victoria, British Columbia, managing owner, on behalf of himself, Daniel McLean, Rosine Gibson, and John C. Blackett, as joint owners of the vessel in question.

The Committee advise, on the recommendation of the Minister of Marine and Fisheries, that your Excellency be moved to forward a copy of this Minute, together with the papers herewith annexed, to the Right Honourable the Secretary of State for the Colonies for transmission to the Government of the United States.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE, Clerk,
Privy Council.

Inclosure 3 in No. 269.

Declaration of Edgar Crow Baker.

City of Victoria, Province of British Columbia,
Dominion of Canada.

I, EDGAR CROW BAKER, of the city of Victoria, in the Province of British Columbia, Dominion of Canada, retired Navigating Lieutenant, Royal Navy, but at present (among various other businesses) following the occupation or calling of a Real Estate and Financial Broker in the city aforesaid, and the duly authorized managing owner of the British sealing-schooner "Triumph," do solemnly and sincerely declare as follows:—

1. That said schooner was built in April 1887 in Shelburne, Nova Scotia, purchased by myself and others, as per original register, and brought to the port of Victoria by one Daniel McLean, master and part owner, for the express purpose of engaging in the business of seal-hunting in the North Pacific Ocean and Behring's Sea, and elsewhere.

2. That said vessel was duly registered at the port of Victoria, British Columbia, by the usual method of transfer of registry, on the 2nd December, 1887, with the port number 11, her registered tonnage being 87.51, and her official number, 90,681.

3. That said vessel arrived at the port of Victoria on or about the 25th April, 1888, and after undergoing usual refit and outfit for her sealing voyage, cleared from the port of Victoria on or about the 5th May, 1888, for Behring's Sea, and prosecuted that branch of the deep-sea fisheries known as seal-hunting, in said arm of the North Pacific Ocean, with a crew composed principally of Indian hunters, and returned to Victoria on or about the 12th September of said year with a catch of 2,491 sealskins, and the master reported no interference or molestation on the part of the United States' Revenue cruisers.

4. That said catch was sold in the market at Victoria for the price or sum of 14,219 dol. 75 c., and after reimbursing all expense of outfit for the hunting period, payment of hunters and crew, yielded a very handsome profit to the owners of said vessel for their season's venture.

5. That the price paid for skins during the season immediately above referred to

was 6 dollars only in Victoria, though 75 dol. 25 c. and 65 dol. 50 c. was obtained at the usual fall sales in London, Great Britain.

6. That the registered owners of said vessel at that time were: Edgar Crow Baker, 21 shares; Walter E. Blackett, 21 shares; Daniel McLean, 22 shares, participating equally in the profits, and the vessel commanded by same master.

7. That in January of the present year (1889), in order to make the vessel as staunch and seaworthy as it was possible to make a vessel, not then two years old, she was docked in graving-dock at Esquimalt, and coppered to 9 feet forward and 11 feet aft, at an expense to the owners of 1,234 dol. 50 c., thereby enhancing the value of said vessel from 8,250 dollars to very nearly 9,500 dollars.

8. That the primary object in sparing no expense to efficiently equip said vessel was that she might "keep the sea" in any weather, and prolong her seal-hunting voyage until the latest moment of the season, and return to her home-port in the following season with a catch in excess of that already quoted.

9. That the declarant sent said vessel down to San Francisco on the 24th March of the present year, in order to procure the best white hunters, sealing boats and sealing outfit obtainable, and disbursed for same and provisions 2,966 dol. 24 c.

10. That said vessel left San Francisco on or about the 12th April of the present year with a crew consisting of master, mate, carpenter, gunner, cook and steward, eight hunters, seventeen able and ordinary seamen, and two apprentices, in all thirty-two in number, as per certificate of shipping master of said port.

11. That said vessel entered and cleared from the port of Victoria on the 25th day of April last, and sent by the declarant on a sealing and hunting voyage in the North Pacific Ocean and Behring's Sea at a further cost to the owners of 2,975 dol. 19 c. for advances to hunters and crew, provisions, sails, equipments and apparel, marine insurance, and necessities.

12. That the total amount of cash at risk in said venture, from commencement of voyage to finish on the 28th July, was 15,425 dol. 43 c., irrespective of the lay out or wages of master.

13. That the said schooner entered Behring's Sea on or about the 4th July, and having previously transhipped her outside, or coast catch, was hove to on the 11th July, and boarded by Lieutenant Tuttle, of the United States' Revenue cutter "Richard Rush" (as per sworn-to testimony of the master, made on arriving in Victoria, dated the 8th August) who searched the vessel, examined and returned ship's papers, and ordered the schooner out of Behring's Sea, threatening confiscation of vessel and catch if caught in the act of killing seals, or with skins on board after having been warned.

14. That by reason of the threats and menaces of the said United States' cutter, the master was prevented from further prosecuting his legitimate business in said sea, and not wishing to incur the responsibility of threatened capture of his valuable vessel, returned to Victoria on the 28th July, with only seventy-two skins on board, and which were on board at the time of search, though undiscovered by the boarding officer, at least, so I am informed and verily believe.

15. That, from the number of skins taken by the "Triumph" last year, with vessel partially equipped only and with less experienced hunters, I conscientiously believe that the said schooner, in a full season unmolested and free from fear of molestation, would have taken in the neighbourhood of 2,500 skins.

16. That the market value of sealskins at the port of Victoria, on or about the 1st October instant, when in the usual course of events heretofore, the "Triumph" would have arrived after a complete season's voyage, as hereinbefore mentioned, was 8 dollars per skin.

17. That the declarant, on behalf of himself and co-owners, claims damages against the Government of the United States of America for the unlawful and unwarrantable interference, molestation, threat and menace of its said Revenue cutter, whereby a heavy loss is incurred by the owners and hunters of said schooner "Triumph," amounting to the value of the difference between the skins actually taken, and estimated catch, viz., 2,428 skins (2,500, less 72) at 8 dollars per skin, or the sum of 19,424 dollars, and 250 dollars for legal and other expenses in connection with the preparation and submission of this claim.

18. That hereto annexed, marked (A), is a statement in detail of such claim, and of the persons entitled to share therein.

19. That upon the sailing of the said schooner in April and May last at San Francisco and Victoria, respectively, advances were made to the hunters based upon a full season's catch, and said hunters will, upon payment of said claim, be entitled to, and will receive their share thereof.

And I, Edgar Crow Baker, make this solemn declaration, conscientiously believing the same to be true, just and equitable, and by virtue of Act respecting Extra-Judicial Oaths.

(Signed) **EDGAR CROW BAKER,**
Managing Owner.

Declared by the said Edgar Crow Baker, at the City of Victoria, British Columbia, the day of November, A.D. 1889.

Before me,
(Signed) **D. R. HARRIS,**
*A Notary Public by Royal Authority in and for the
Province of British Columbia, residing and
practising at Victoria aforesaid.*

Inclosure 4 in No. 269.

DETAILED Statement of Claim by Owners of British schooner "Triumph" against the Government of the United States of America.

	Dollars.
2,428 sealskins, balance of an estimated catch of 2,500 sealskins by the schooner "Triumph" for the full season of 1889 in Behring's Sea, at 8 dollars per skin	19,424
Legal and other expenses incidental to preparation and submission of claims ..	250
Total	19,674

OWNERS on October 1, 1889.

	Shares.
Edgar Crow Baker, managing owner	21
Daniel McLean, master mariner	22
Rosine Gibson, Banie, Ontario	11
John C. Blackett, Victoria, British Columbia	10
Total	64

N.B.—E. Crow Baker, representing D. McLean's shares by full power of attorney, and as mortgagee in possession, J. C. Blackett, by power of attorney, and Rosina Gibson's by consent of attorney.

(Signed) **EDWARD CROW BAKER,**
Managing Owner.

The schedule marked (A) referred to in statement, of which this form part.

(Signed) **D. R. HARRIS,** *Notary Public for the
Province of British Columbia.*

To all to whom these presents shall come be it known and made manifest that I, Alexander Roland Milne, a Surveyor in Her Majesty's Customs for the Port of Victoria, British Columbia, in the Dominion of Canada, duly appointed as such, residing and officiating in said capacity in the city of Victoria, in the Province aforesaid, do hereby certify that the paper written hereto annexed, dated the 8th August, 1889, signed and sworn to before George Morrison, J.P., on said day by one Daniel McLean, master of the British schooner "Triumph," registered at the port aforesaid and engaged in the sealing business, is as it purports to be a full, true and correct copy of the original thereof in every respect. I do further certify that the original document was forwarded by the Collector of Customs of this port to the Department of Marine and Fisheries at Ottawa on or about the date therein named, and that I have full confidence in the truth of the statements made by said master embodied in said affidavit.

In testimony whereof I have hereunto set my hand and seal of office at the city of Victoria, British Columbia, this 4th day of November, 1889.

(Signed) **A. R. MILNE,** *Surveyor, &c.*

Inclosure 5 in No. 269.

Deposition of Daniel McLean.

In the matter of search, &c., of the sealing schooner "Triumph" by the United States' Revenue cutter "Richard Rush" in Behring's Sea.

I, DANIEL McLEAN, of the city of Victoria, in the Province of British Columbia, Dominion of Canada, being duly sworn, depose as follows:—

That I am master and part owner of the British schooner "Triumph," registered at the Port of Victoria, British Columbia, that in conformity to the laws of the Dominion of Canada I regularly cleared the said schooner "Triumph" for a voyage to the North Pacific Ocean and Behring's Sea, and that in pursuance of my legitimate business did enter the said Behring's Sea on the 4th day of July, 1889, and did in a peaceful manner proceed on my voyage and being in latitude 50° 5' north, longitude 171° 23' west, on the 11th day of July, 1880, at the hour of 8:30 A.M., was hailed by the Commander of the United States' Revenue cutter "Rush," the said Revenue cutter being a vessel belonging to the Government of the United States and regularly commissioned by the same, a boat having been lowered by the officer and crew I was boarded by the same, the officer in charge of the boat being one Lieutenant Tuttle, who demanded the official papers of my vessel, and after reading the same proceeded to search my vessel for seals, and finding no evidence of the same informed me that orders have been issued by the Secretary of the Treasury of the United States under the Proclamation of the President, instructing the Commanding Officer of the said Revenue cutter "Rush" to seize all vessels found sealing in Behring's Sea; he also told me that should he again board me and find sealskins on board that he would seize and confiscate the vessel and catch; he furthermore informed me that he had already seized the British schooner "Black Diamond," of Victoria, British Columbia, and that she had been sent to Sitka, and that, therefore, by reason of his threats and menaces I was caused to forego my legitimate and peaceful voyage on the high seas, and return to the port of my departure, causing serious pecuniary loss to myself, crew, and owners, for which a claim will be formulated and forwarded in due course.

And I make this solemn affidavit conscientiously believing the same to be true, and by virtue of the Oaths Ordinance, 1869.

(Signed) DANIEL McLEAN, *Master,*
Schooner "Triumph."

Sworn before me this 8th August, 1889, at Victoria, British Columbia.

(Signed) GEO. MORRISON, *J.P., a Justice of the Peace for the*
Province of British Columbia.

I do hereby certify to the correctness of this statement as verbally expressed to me also by said Daniel McLean.

(Signed) EDGAR CROW BAKER,
Notary Public.

Inclosure 6 in No. 269.

Lord Stanley of Preston to Lord Knutsford.

My Lord, *Government House, Ottawa, December 17, 1889.*

WITH reference to my despatch of the 26th August last, relating to the seizure in Behring's Sea of the British schooner "Black Diamond," I have the honour to forward herewith a copy of an approved Minute of the Privy Council, submitting the claim to compensation of the owner of the vessel for loss sustained by reason of her seizure by the United States' authorities.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 7 in No. 269.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on December 2, 1889.

ON a Report dated the 28th November, 1889, from the Minister of Marine and Fisheries submitting, in connection with the seizure in the Behring's Sea of the British

schooner "Black Diamond," the circumstances attending which were detailed in the Minute of Council approved by your Excellency on the 22nd August, 1889, formal statements and claim by the owner to compensation for loss incurred by reason of the seizure of said vessel, and the forcible removal to the United States' Revenue cutter "Richard Rush" of seventy-six sealskins, as well as for the value of the estimated catch for the balance of the season had the vessel not been interfered with in the legitimate pursuit of her calling, which claim, with incidental expenses, aggregates the sum of 17,185 dollars.

The Minister recommends that this claim be forwarded through the proper channel to Her Majesty's Government for transmission to the Government of the United States.

The Committee advise that your Excellency be moved to forward copies hereof to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted.

(Signed)

JOHN J. MCGEE, *Clerk,*
Privy Council.

Inclosure 8 in No. 269.

Declaration of Morris Moss.

Canada, Province of British Columbia,
City of Victoria.

I, MORRIS MOSS, of the city of Victoria, in the Province of British Columbia, Dominion of Canada, fur dealer and ship-owner, do solemnly and sincerely declare as follows:—

1. I am a British subject by birth, and the duly registered owner of the schooner "Black Diamond," of the port of Victoria, aforesaid.

2. On the 12th day of February, 1889, the said schooner was cleared at the Custom-house at said city of Victoria for a fishing and hunting voyage to the North Pacific Ocean and Behring's Sea.

3. On the 3rd day of August, 1889, the said "Black Diamond" returned to Victoria aforesaid, and hereto annexed, marked (X), is the statutory declaration of Alexander Gault, the mate of the said schooner on said voyage, of the cause and manner of the "Black Diamond's" return to Victoria from such voyage, which said statement I verily believe is true.

4. The value of the sealskins taken from the "Black Diamond" as set out in said Alexander Gault's statement was, on or about the 1st day of October (when in due course the vessel would have delivered her cargo of skins at Victoria aforesaid), 8 dollars per skin. The salt so taken as aforesaid was worth 5 dollars. The Indian spears 4 dollars each, and the said rifle was worth 25 dollars.

5. From the actual catch of seals made in said sea during said season by other sailing vessels, I verily believe that had the said "Black Diamond" not been seized and her hunting voyage broken up as set out in said statement of Alexander Gault, the hunters on said schooner would have captured at least 2,100 sealskins in said Behring's Sea during the season of 1889.

6. I, for myself and the crew and hunters of the said "Black Diamond," claimed damages against the Government of the United States' of America for the seizure of the said "Black Diamond," and for the taking and detention of said seventy-six sealskins, and for 2,024 sealskins the balance of the estimated catch of 2,100 in Behring's Sea for the full season of 1889, also for the salt, rifle, Indian spears, and ship's papers taken as aforesaid, and for legal and other expenses incidental to, and arising out of, such seizure, and the preparation and submission of this claim therefor and interest thereof at 7 per cent. per annum until paid.

7. Hereto annexed marked (A) is a Statement in detail of such claim for damages.

And I, Morris Moss, make this solemn declaration conscientiously believing the same to be true, and by virtue of the Act respecting Voluntary and Extra-Judicial Oaths.

(Signed)

MORRIS MOSS.

Declared by the said Morris Moss, at the city of Victoria, the 19th day of November, A.D. 1889.

Before me,

(Signed)

ARTHUR L. BELYEA,

*A Notary Public by Royal Authority in and for
the Province of British Columbia.*

Inclosure 9 in No. 269.

(A.)

STATEMENT of Claim by Owner of schooner "Black Diamond" against the Government of the United States of America for Seizure in Behring's Sea on July 11, 1889.

	Dollars.
76 sealskins (seized).	
2,024 sealskins, balance of estimated catch by "Black Diamond" for full season of 1889 in Behring's Sea.	
2,100 sealskins, at 8 dollars	16,800
1 rifle, at	25
20 spears, at 4 dollars each	80
2 sacks salt, at 2 dol. 50 c. each	5
Cost of obtaining new ship's papers	25
Legal and other expenses arising out of, and incidental to, such seizure	250
Total	17,185

And interest thereon at 7 per cent. per annum until paid.

(Signed)

MORRIS MOSS.

This is the Statement referred to as marked (A) in the declaration of Morris Moss, taken before me the 19th November, 1889.

(Signed)

A. L. BELYEA, *Notary Public.*

(X.)

In the matter of the seizure of the sealing schooner "Black Diamond," by the United States' Revenue cutter "Richard Rush," on the 11th day of July, A.D. 1889.

I, Alexander Gault, of the city of Victoria, mate, do solemnly and sincerely declare that:—

1. I was at the time of the occurrences hereinafter mentioned, employed as mate of the sealing schooner "Black Diamond," of the port of Victoria, British Columbia.

2. On the 11th day of July last, whilst on board the said schooner she then being on a sealing expedition, and in latitude $56^{\circ} 22'$ north, and longitude $170^{\circ} 25'$ west, and at a distance of about 35 miles from shore, we were overhauled by the "Richard Rush," a United States' Revenue cutter, which latter vessel having hailed us, and shouted a command we were unable to understand, steamed across our steamer's bows compelling us to come to. A boat was then lowered from the cutter, and Lieutenant Tuttle, with five other men came aboard the schooner. The captain of our schooner asked Lieutenant Tuttle what he wanted, and he replied he wished to see our papers. The captain then took him down into his cabin, and in my presence showed him the ship's papers.

Lieutenant Tuttle then demanded that they should be handed to him, but our captain refused to give them up, and locked them in his locker. Lieutenant Tuttle then ordered his men to bring up the sealskins. At this time there were seventy-six salted and fifty-five unsalted sealskins on board. The Lieutenant then ordered the salted skins to be taken on board the "Richard Rush." This was done by the cutter's boat, two bags of salt and a rifle being also taken from the schooner to the cutter.

Lieutenant Tuttle told our captain that if he did not give up the papers he should take them by force, and our captain still refusing, the Lieutenant hailed the cutter, and a boat brought off the Master-at-arms who came aboard our schooner. Lieutenant Tuttle asked our captain for his keys, but not being able to obtain them, ordered the Master-at-arms to force the locker. The master-at-arms then unscrewed the hinges of the locker, and taking out the papers, handed the same to Lieutenant Tuttle. Lieutenant Tuttle then went back to the "Richard Rush," but returned again, bringing with him one whose name I have since heard to be John Hawkinsen.

The Lieutenant then ordered certain Indian sealing spears belonging to the schooner to the number of twenty to be placed in his boat, which was accordingly done by the cutter's men. Our captain asked him for a receipt for the skins, ship's papers, and other goods he had taken; this he refused to give. He then ordered our captain to take the schooner to Sitka, but our captain told him that if he wanted the schooner to go there he would have to put a crew on board to take her there.

Lieutenant Tuttle then gave Hawkinsen some orders and some papers addressed to the United States' authorities at Sitka, and, leaving Hawkinsen on board the schooner, and taking the spears with him, returned to the cutter, which shortly afterwards steamed away, taking the ship's papers, the skins, and the other goods with her.

We set sail for Oonalaska where the captain hoped to fall in with a British man-of-war, and arrived at that place on the 15th day of July. There being no man-of-war there, and the Indians having become very mutinous, and threatening to throw us overboard if they thought we were going to Sitka, we set sail for the port of Victoria, reaching the latter place on the 3rd day of August, 1889, at about the hour of 7 P.M. The man Hawkinsen, during the voyage, did not attempt to give any directions or suggestions as to the course to be taken by the schooner, and on arrival at Victoria was placed on shore by one of the schooner's boats.

And I make this declaration conscientiously believing the same to be true, and by virtue of the Oaths Ordinance, 1889.

(Signed) ALEXANDER GAULT.

Declared before me at the city of Victoria, this 8th day of August, 1889.

(Signed) ERNEST V. BODWELL,
A Notary Public for the Province of
British Columbia.

This is the statutory declaration of Alexander Gault referred to as marked (X) in the declaration of Morris Moss made before me the 19th day of November, 1889.

(Signed) A. L. BELYEA, Notary Public.

Inclosure 10 in No. 269.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

Government House, Ottawa, December 17, 1889.

WITH reference to the Deputy Governor's despatch of the 24th September last relating to the seizure in Behring's Sea of the British schooner "Lily," I have the honour to transmit to your Lordship a copy of an approved Report of a Committee of the Privy Council, submitting formal statements and claim to compensation advanced by the owners of that vessel against the United States' Government for loss incurred by reason of her seizure.

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 11 in No. 269.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on December 2, 1889.

ON a Report dated the 28th November, 1889, from the Minister of Marine and Fisheries, submitting, in connection with the seizure in the Behring's Sea of the British schooner "Lily," the circumstances attending which were detailed in the Minute of Council approved by your Excellency on the 18th September, 1889, formal statements and claims by the owners to compensation for loss incurred by reason of the seizure of said vessel, and the forcible removal to the United States' Revenue cutter "Richard Rush" of 333 sealskins, as well as for the value of the estimated catch for the balance of the season had the vessel not been interfered with in the legitimate pursuit of her calling, which claim, with incidental expenses, aggregates the sum of 17,167 dollars.

The Minister recommends that this claim be forwarded through the proper channel to Her Majesty's Government for transmission to the Government of the United States.

The Committee advise that your Excellency be moved to forward copies hereof to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted.

(Signed) JOHN J. McGEE, Clerk,
Privy Council.

Inclosure 12 in No. 269.

Declaration of Morris Moss.

Canada, Province of British Columbia,
City of Victoria.

I, MORRIS MOSS, of the city of Victoria, in the Province of British Columbia, Dominion of Canada, fur dealer and ship-owner, do solemnly and sincerely declare as follows:—

1. I am a British subject by birth, and the duly registered owner of the schooner "Lily" of the port of Victoria aforesaid.

2. On the 20th day of May, A.D. 1889, the said schooner "Lily" cleared at the Customs-house, Victoria aforesaid, for a fishing and hunting voyage in the North Pacific Ocean and Behring's Sea.

3. On the 1st day of September, A.D. 1889, the said schooner "Lily" returned to the said port of Victoria, and hereto annexed, marked (X), is the statutory declaration of John Reilly, the master of the said schooner "Lily" on said voyage, setting forth the cause and manner of the return to Victoria of said schooner from such voyage, which said statement I verily believe to be true.

4. The value of the sealskins taken from the said "Lily," as set out in said John Reilly's statement, was, on or about the 1st day of October (when in due course the said vessel would have delivered her cargo of skins at Victoria aforesaid), 8 dollars per skin. The salt so taken as aforesaid was worth 5 dollars, and the Indian spears 4 dollars each.

5. From the actual catch of seals made in said sea during said season by other vessels, I verily believe that had the said "Lily" not been seized, and her hunting voyage broken up, as set out in said statement of John Reilly, the said hunters on said schooner "Lily" would have captured at least 2,100 sealskins in Behring's Sea during the season of 1889.

6. I for myself and the crew and hunters of the said "Lily" claim damages against the Government of the United States of America for the seizure of the said "Lily," and for the taking and detention of said 333 sealskins, and for 1,767 sealskins, the balance of the estimated catch of 2,100 in Behring's Sea for the full season of 1889; also for the salt and Indian spears and ship's papers taken as aforesaid, and for legal and other expenses incidental to, and arising out of, such seizure, and the preparation and submission of this claim therefor and interest thereon, at the rate of 7 per cent. per annum until paid.

7. Hereto annexed, marked (A), is a statement in detail of such claim for damages.

And I, Morris Moss, make this solemn declaration conscientiously believing the same to be true, and by virtue of the Act respecting Voluntary and Extra-Judicial Oaths.

(Signed) MORRIS MOSS.

Declared by the said Morris Moss at the city of Victoria, the 19th day of November, A.D. 1889.

Before me,
(Signed) A. L. BELYEA,
*Notary Public by Royal Authority in and for
the Province of British Columbia.*

Inclosure 13 in No. 269.

Statement of Claim.

BY owner of schooner "Lily" against the Government of the United States of America for seizure in Behring's Sea on the 6th August, A.D. 1889.

Dollars.

333 sealskins (seized).	
1,767 sealskins, balance of estimated catch by "Lily" for full season of 1889 in Behring's Sea.	
2,100 sealskins, at 8 dollars	16,800
24 Indian spears, at 4 dollars	96
2 sacks salt, at 2 dol. 50 c.	5
Cost of obtaining new ship's papers.. .. .	25
Legal and other expenses arising out of, and incidental to, such seizure	250
Total	17,176

And interest thereon at 7 per cent. per annum until paid.

(Signed) MORRIS MOSS.

This is the Statement of Claim referred to as marked (A) in the declaration of Morris Moss, made before me the 19th November, 1889.

(Signed) A. L. BELYEA, *Notary Public.*

In the matter of the seizure of the sealing schooner "Lily" by the United States' Revenue cutter "Richard Rush," on the 6th day of August, A.D. 1889.

I, John Reilly, of the city of Victoria, British Columbia, master mariner, do solemnly and sincerely declare that:—

1. I am a master mariner, and was at the time of the occurrences hereinafter mentioned, and still am master of the schooner "Lily" of the Port of Victoria, British Columbia.

2. On the 6th day of August, A.D. 1889, whilst I was on board and in command of the said schooner "Lily," and she being then on a sealing expedition, and being in latitude 55° 29' north, and longitude 166° 15' west, and at a distance of about 66 miles from the nearest land, the United States' Revenue cutter "Richard Rush" overhauled the said schooner.

3. I was first boarded by the First Lieutenant, who was armed, and who asked me how many skins I had on board. I replied that he should find out himself, and said that if he wanted to see the schooner's papers I would show them to him and would render him assistance should he want to search the schooner for contraband goods, but I would not acknowledge his right to seize me for sealing on the high seas.

4. The First Lieutenant then returned to the cutter, and in a short time returned accompanied by another boat of the cutter which was in charge of the Second Lieutenant.

5. They both came on board, and the First Lieutenant demanded of me the surrender of the schooner, and asking, at the same time, for the schooner's papers. This I at first declined to do, and the First Lieutenant said unless I gave the schooner's papers to him at once he would take them by force. I then gave him the schooner's papers, consisting of registry, coasting licence, and clearance.

6. The First Lieutenant then ordered both boats' crew to search the schooner, and they took from my schooner 333 sealskins, all in good order.

7. He then asked me if I would give him two sacks of salt. I told him it would be useless for me to refuse, as he could take them by force, so I told him to go ahead and help himself.

He then gave me two letters, the contents of which were unknown to me at the time, one of them being sealed, the contents of which is still unknown to me, the other certifying that he had seized the schooner "Lily" for violation of the United States' laws, and taken possession of schooner's papers.

8. He then told me to proceed to Sitka, Alaska. I asked him if he wanted me to go to Victoria or Sitka, Alaska, to which he replied that he had nothing to say but simply told me his orders.

9. My crew, at this time, consisted of a mate, George McDonald, and three white men, and twenty-five Indian hunters. The Indian hunters said that they would not proceed to Sitka, and to avoid further trouble I directed the schooner course to Victoria, and arrived here the 1st day of September at 7 o'clock P.M.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Ordinance, 1889.

(Signed) JOHN REILLY.

Declared at the city of Victoria, British Columbia, this 11th day of September, 1889.

Before me,

(Signed) THOS. SHOTBOLT,
Justice of the Peace.

This is the statutory declaration of John Reilly, referred to as marked (X) in the declaration of Morris Moss, made before me the 19th November, 1889.

(Signed) A. L. BELYEA, *Notary Public.*

No. 270.

Colonial Office to Foreign Office.—(Received January 20.)

Sir,

Downing Street, January 18, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch and its inclosures from the Governor-General of

Canada, forwarding a claim for compensation from the owners of the schooner "Ariel" for loss incurred by reason of its being interfered with by the United States' Revenue cutter "Richard Rush" while engaged in a sealing voyage in Behring's Sea.

I am, &c.

(Signed) R. H. MEADE.

Inclosure 1 in No. 270.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

Government House, Ottawa, December 31, 1889.

I HAVE the honour to transmit to your Lordship a copy of an approved Minute of the Privy Council submitting a declaration and formal statement of claim to compensation on behalf of the owners of the British schooner "Ariel" for loss incurred by reason of the said vessel being interfered with by the United States' Revenue cutter "Richard Rush" while engaged in a sealing voyage in Behring's Sea.

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 270.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, on December 28, 1889.

ON a Report, dated the 27th December, 1889, from the Minister of Marine and Fisheries submitting the appended declaration and formal statement of claim to compensation on behalf of the owners of the British schooner "Ariel," which vessel was, on the 30th day of July, 1889, while engaged in a sealing voyage in the Behring's Sea (so called) boarded by three officers from the United States' Revenue cutter "Richard Rush." The officer searched and examined the schooner "Ariel," and questioned the master as to his voyage, crew, and catch; and also warned him against taking seals in the Behring's Sea under threat of seizure of the vessel and the arrest of himself and mate.

The Minister observes that the claim amounts to 9,498 dollars for loss incurred by reason of the said vessel being interfered with in the legitimate pursuit of her calling, and is advanced by Mr. Samuel W. Bucknam, of Victoria, British Columbia, managing owner and master of the said schooner "Ariel," on behalf of himself and Messrs. John M. Taylor and Bela R. Lawrence, of the city of St. John, New Brunswick, as joint owners of the vessel in question.

The Minister recommends that this claim be forwarded through the proper channel to Her Majesty's Government for transmission to the Government of the United States.

The Committee advise that your Excellency be moved to forward a copy of this Minute to the Right Honourable the Secretary of State for the Colonies, together with the papers mentioned herein.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE, Clerk,
Privy Council.

Inclosure 3 in No. 270.

Declaration of Samuel W. Bucknam.

Canada, Province of British Columbia,
City of Victoria.

I, SAMUEL W. BUCKNAM, of the city of Victoria, in the Province of British Columbia, and Dominion of Canada, master mariner, do solemnly and sincerely declare as follows:—

1. The hereinafter-mentioned schooner "Ariel" is a British vessel registered at the port of St. John, in the province of New Brunswick, one of the provinces of the Dominion of Canada.

2. The registered owners of the said schooner "Ariel" are John M. Taylor and

Bela R. Lawrence, both of the city of St. John aforesaid, who each own twenty-four shares thereof, and myself, who own the remaining sixteen shares thereof.

3. I am the managiang owner and master of the said schooner "Ariel."

4. On the 9th day of February, 1889, A.D., I cleared the said schooner "Ariel" at the Customs at the said port of Victoria for a fishing and seal-hunting voyage in the North Pacific Ocean and Behring's Sea, and on the 11th day of said month sailed from said port of Victoria on such voyage.

5. On and for said voyage I was master of said "Ariel" and one Herman Smith was mate, and said "Ariel" on said voyage carried a crew of twenty-two men all told. The said schooner "Ariel" was equipped and provisioned for a full season's voyage.

6. On the 12th day of July following, the "Ariel" entered Behring's Sea. The sealskins which had been taken by the hunters on said schooner in the North Pacific Ocean had been shipped to Victoria before entering Behring's Sea, and no skins were on board on said 12th July.

7. The hunters on the "Ariel" began sealing on the 14th day of said July, and in the sixteen days following captured about 400 sealskins.

8. On the 30th day of said month of July, at about 6 o'clock in the morning, the United States' Revenue cutter "Richard Rush" came alongside the "Ariel" and three officers from said "Richard Rush" boarded the "Ariel." The said officers examined and searched the "Ariel," asked the number of my crew, when I entered the sea, and how many sealskins I had on board, and warned and threatened me that if I was caught taking seals, or with fresh sealskins on board, the "Ariel" would be seized, and myself and mate placed under arrest. The said officers also told me that they had seized the schooners "Pathfinder," "Black Diamond," and "Minnie," and searched other vessels in the sea. The officers then left, and shortly after the cutter sailed away.

9. Fearing to remain in Behring's Sea lest I should lose my vessel and be myself put in prison, I at once sailed for one of the passes leading from the sea. On the 31st day of July I lost a boat with three men, and remained some days in the immediate vicinity in order to pick them up. On the 21st August the "Ariel" sailed out of Behring's Sea, homeward bound, with 844 sealskins on board. On the 2nd day of September the "Ariel" arrived at Victoria aforesaid, fully one month earlier than the usual time of arrival for sealers from Behring's Sea.

10. From the actual number of seals captured by the "Ariel" before being boarded as aforesaid and from the number actually captured by other sealing vessels, with about the same equipment of boats and men as the "Ariel," I believe that had the "Ariel" not been molested in Behring's Sea (and but for such boarding and threatening as aforesaid she certyinly would have remained the full season) the said "Ariel" would have made a total catch of not less 2,000 sealskins.

11. The selling price of sealskins at said Victoria on the said arrival of the "Ariel" and on the 1st October, about which time sealing vessels usually arrive at Victoria from a full season's voyage, was 8 dollars per skin.

12. I for myself, the said John M. Taylor, and the said Bella R. Lawrence, my co-owners in said schooner "Ariel," and likewise for the crew of the said "Ariel" on said voyage who were and are entitled to share in the total catch of sealskins by said vessel for the full season aforesaid, claim damages of and from the Government of the United States of America for the illegal boarding as aforesaid of the said schooner, and for having by threats and intimidation broken up the voyage of said schooner "Ariel" and thereby caused the loss of at least 1,156 sealskins to the said vessel, her owners, and crew, and for legal and other expenses incidental to the preparation and submission of this claim.

13. Hereto annexed, marked (A), is a statement of such claim for damages as aforesaid.

And I, Samuel W. Bucknam aforesaid, make this solemn declaration conscientiously believing the same to be true and by virtue of the "Act respecting voluntary and extra-judicial oaths."

(Signed) SAMUEL W. BUCKNAM.

Signed and declared by the said Samuel W. Bucknam the 29th day of November, A.D. 1889.

Before me,
(Signed) ARTHUR L. BELYEA,
A Notary Public by Royal Authority in and for
the Province of British Columbia.

Inclosure 4 in No. 270.

STATEMENT of claim against the United States of America *re* boarding and threats to seize the schooner "Ariel" in Behring's Sea, July 30, 1889:—

2,000 sealskins estimated catch for full season.	Dollars.
844 " number actually taken.	
1,156 " balance of estimated catch, claimed in damages at 8 dollars ..	9,248
Legal and other expenses incidental to the making and submission of this claim	250
Total	9,498

And interest thereon at the rate of 7 per cent. per annum until paid.

This is the Statement of claim referred to in the declaration of Samuel W. Bucknam, made before me the 29th November, A.D. 1889.

(Signed)

A. L. BELYEA, *Notary Public.*

No. 271.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received January 22.)

My Lord,

Washington, January 9, 1890.

WITH reference to my despatch of the 26th ultimo, I have the honour to inclose herewith copy of a Resolution which has been laid upon the table of the Senate by Senator Plumb in regard to the advertisement of the Secretary of the Treasury, inviting tenders for a new lease of the Alaska seal fisheries.

I have, &c.

(Signed)

JULIAN PAUNCEFOTE.

Inclosure in No. 271.

Extract from the "Congressional Record" of January 7, 1890.

Alaska Seal Fisheries.

Mr. Plumb.—I offer a Resolution, which I ask may lie upon the table, and be printed.

The Vice-President.—The Resolution will be read.

The Chief Clerk read as follows:—

"Whereas the Secretary of the Treasury has, by public advertisement, invited bids for leasing the Islands of St. Paul and St. George, in the Territory of Alaska, for a period of twenty years; and

"Whereas the law under which said proposal is issued was passed about twenty years since, and the circumstances and conditions existing in Alaska, and with reference to the seal industry, have materially changed during that period; and

"Whereas it has been charged upon the authority of a late Governor of Alaska that the Alaska Commercial Company, now occupying said islands under lease from the Government, has exercised its privileges oppressively and against the interests of both the natives and the Government; and

"Whereas said Company claims that it is the only person or organization which can successfully compete for the lease invited by the Secretary of the Treasury as aforesaid, and there is every reason to believe that under present legislation and conditions the lease proposed will be made to said Alaska Commercial Company substantially without competition. Therefore,

"Resolved,—That the Secretary of the Treasury be requested not to make a new lease of said islands until further action by Congress, or until the latest period made necessary by existing law, and that meanwhile he make full report to the Senate as to the manner in which the said Alaska Commercial Company has discharged its duties and obligations under the present lease, and also what additional legislation, if any, is necessary in order that the interests of the Government and those of the natives and citizens of Alaska may be more fully protected."

The Vice-President.—The Resolution will lie on the table and be printed.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received by telegraph, January 23.)

My Lord,

Washington, January 23, 1890.

I HAVE the honour to inclose herewith copy of a note which I have received from Mr. Blaine, containing the answer of the United States' Government to the protest which Mr. Edwardes made by your Lordship's directions on the 12th October last against the seizure of Canadian vessels made by the United States' Revenue cutter "Rush" in Behring's Sea.

I have, &c.

(Signed)

JULIAN PAUNCEFOTE.

Inclosure in No. 272.

Mr. Blaine to Sir J. Pouncefote.

Sir,

Department of State, Washington, January 22, 1890.

SEVERAL weeks have elapsed since I had the honour to receive through the hands of Mr. Edwardes copies of two despatches from Lord Salisbury,* complaining of the course of the United States' Revenue cutter "Rush" in intercepting Canadian vessels sailing under the British flag, and engaged in taking fur seals in the waters of the Behring's Sea.

Subjects which could not be postponed have engaged the attention of this Department, and have rendered it impossible to give a formal answer to Lord Salisbury until the present time.

In the opinion of the President, the Canadian vessels, arrested and detained in the Behring's Sea, were engaged in a pursuit that is in itself *contra bonos mores*—a pursuit which of necessity involves a serious and permanent injury to the rights of the Government and people of the United States. To establish this ground, it is not necessary to argue the question of the extent and nature of the sovereignty of this Government over the waters of the Behring's Sea; it is not necessary to explain, certainly not to define, the powers and privileges ceded by His Imperial Majesty the Emperor of Russia in the Treaty by which the Alaskan territory was transferred to the United States. The weighty considerations growing out of the acquisition of that territory, with all the rights on land and sea inseparably connected therewith, may be safely left out of view while the grounds are set forth upon which this Government rests its justification for the action complained of by Her Majesty's Government.

It cannot be unknown to Her Majesty's Government that one of the most valuable sources of revenue from the Alaskan possessions is the fur-seal fisheries of the Behring's Sea. These fisheries had been exclusively controlled by the Government of Russia, without interference and without question, from their original discovery until the cession of Alaska to the United States in 1867. From 1867 to 1886 the possession, in which Russia had been undisturbed, was enjoyed by this Government also. There was no interruption and no intrusion from any source. Vessels from other nations passing from time to time through Behring's Sea to the Arctic Ocean in pursuit of whales had always abstained from taking part in the capture of seals.

This uniform avoidance of all attempts to take fur seal in those waters had been a constant recognition of the right held and exercised first by Russia, and subsequently by this Government. It has also been the recognition of a fact now held beyond denial or doubt, that the taking of seals in the open sea rapidly leads to their extinction.

This is not only the well-known opinion of experts, both British and American, based upon prolonged observation and investigation, but the fact had also been demonstrated in a wide sense by the well-nigh total destruction of all seal fisheries except the one in the Behring's Sea which the Government of the United States is now striving to preserve, not altogether for the use of the American people, but for the use of the world at large.

The killing of seals in the open sea involves the destruction of the female in common with the male. The slaughter of a female seal is reckoned as an immediate loss of three seals, besides the future loss of the whole number which the bearing seal may produce in the successive years of life. The destruction which results from killing seals in the open sea proceeds, therefore, by a ratio which constantly and rapidly

increases, and insures the total extermination of the species within a very brief period. It has thus become known that the only proper time for the slaughter of seals is at the season when they betake themselves to the land, because the land is the only place where the necessary discrimination can be made as to the age and sex of the seal. It would seem then, by fair reasoning, that nations not possessing the territory upon which seals can increase their numbers by natural growth, and thus afford an annual supply of skins for the use of mankind, should refrain from the slaughter in open sea, where the destruction of the species is sure and swift.

After the acquisition of Alaska, the Government of the United States, through competent agents, working under the direction of the best experts, gave careful attention to the improvement of the seal fisheries. Proceeding by a close obedience to the laws of nature, and rigidly limiting the number to be annually slaughtered, the Government succeeded in increasing the total number of seals, and adding correspondingly and largely to the value of the fisheries. In the course of a few years of intelligent and interesting experiment, the number that could be safely slaughtered was fixed at 100,000 annually. The Company to which the administration of the fisheries was intrusted by a lease from this Government has paid a rental of 50,000 dollars per annum, and, in addition thereto, 2 dol. 62½ c. per skin for the total number taken. The skins were regularly transported to London to be dressed and prepared for the markets of the world, and the business had grown so large that the earnings of English labourers, since Alaska was transferred to the United States, amounts in the aggregate to more than 12,000,000 dollars.

The entire business was thus conducted peacefully, lawfully, and profitably; profitably to the United States, for the rental was yielding a moderate interest on the large sum which this Government had paid for Alaska, including the rights now at issue; profitably to the Alaskan Company, which, under Governmental direction and restriction, had given unwearied pains to the care and development of the fisheries; profitably to the Aleuts, who were receiving a fair pecuniary reward for their labours, and were elevated from semi-savagery to civilization, and to the enjoyment of schools and churches provided for their benefit by the Government of the United States; and, last of all, profitably to a large body of English labourers who had constant employment and received good wages.

This, in brief, was the condition of the Alaska fur-seal fisheries down to the year 1886. The precedents, customs, and rights had been established and enjoyed either by Russia or the United States for nearly a century. The two nations were the only Powers that owned a foot of land on the continents that bordered, or on the islands included within, the Behring's waters where the seals resort to breed. Into this peaceful and secluded field of labour, whose benefits were so equitably shared by the native Aleuts of the Pribyloff Islands, by the United States, and by England, certain Canadian vessels in 1886 asserted their right to enter and, by their ruthless course, to destroy the fisheries, and with them to destroy also the resulting industries which are so valuable. The Government of the United States at once proceeded to check this movement, which, unchecked, was sure to do great and irreparable harm.

It was cause of unfeigned surprise to the United States that Her Majesty's Government should immediately interfere to defend and encourage (surely to encourage by defending) the course of the Canadians in disturbing an industry which had been carefully developed for more than ninety years under the flags of Russia and the United States, developed in such manner as not to interfere with the public rights or the private industries of any other people or any other person.

Whence did the ships of Canada derive the right to do in 1886 that which they had refrained from doing for more than ninety years? Upon what grounds did Her Majesty's Government defend in the year 1886 a course of conduct in the Behring's Sea which she had carefully avoided ever since the discovery of that sea? By what reasoning did Her Majesty's Government conclude that an act may be committed with impunity against the rights of the United States which had never been attempted against the same rights when held by the Russian Empire?

So great has been the injury to the fisheries from the irregular and destructive slaughter of seals in the open waters of the Behring's Sea by Canadian vessels, that whereas the Government has allowed 100,000 to be taken annually for a series of years, it is now compelled to reduce the number to 60,000. If four years of this violation of natural law and neighbour's rights has reduced the annual slaughter of seal by 40 per cent., it is easy to see how short a period will be required to work the total destruction of the fisheries.

The ground upon which Her Majesty's Government justifies, or at least defends,

the course of the Canadian vessels, rests upon the fact that they are committing their acts of destruction on the high seas, viz., more than 3 marine miles from the shore-line. It is doubtful whether Her Majesty's Government would abide by this rule if the attempt were made to interfere with the pearl fisheries of Ceylon, which extend 20 miles from the shore-line, and have been enjoyed by England without molestation ever since their acquisition. England has felt authorized to sell the fishery rights from year to year. Nor is it credible that modes of fishing on the Grand Banks, altogether practicable but highly destructive, would be justified or even permitted by Great Britain on the plea that the vicious acts were committed more than 3 miles from shore.

There are, according to scientific authority, "great colonies of fish on the Newfoundland banks. These colonies resemble the seats of great populations on land. They remain stationary, having a limited range of water in which to live and die." In these great "colonies," it is according to expert judgment comparatively easy to explode dynamite or giant powder in such manner as to kill vast quantities of fish, and at the same time destroy countless numbers of eggs. Stringent laws have been necessary to prevent the taking of fish by the use of dynamite in many of the rivers and lakes of the United States. The same mode of fishing could readily be adopted with effect on the more shallow parts of the banks, but the destruction of fish in proportion to the "catch," says a high authority, might be as great as 10,000 to 1. Would Her Majesty's Government think that so wicked an act could not be prevented, and its perpetrators punished, simply because it had been committed outside of the 3-mile line?

Why are not the two cases parallel? The Canadian vessels are engaged in the taking of fur seal in a manner that destroys the power of reproduction, and insures the extermination of the species. In exterminating the species an article useful to mankind is totally destroyed, in order that temporary and immoral gain may be acquired by a few persons. By the employment of dynamite on the banks, it is not probable that the total destruction of fish could be accomplished, but a serious diminution of a valuable food for man might assuredly result. Does Her Majesty's Government seriously maintain that the law of nations is powerless to prevent such violation of the common rights of man? Are the supporters of justice in all nations to be declared incompetent to prevent wrongs so odious and so destructive?

In the judgment of this Government, the law of the sea is not lawlessness. Nor can the law of the sea and the liberty which it confers and which it protects be perverted to justify acts which are immoral in themselves, which inevitably tend to results against the interest and against the welfare of mankind. One step beyond that which Her Majesty's Government has taken in this contention and piracy finds its justification. The President does not conceive it possible that Her Majesty's Government could, in fact, be less indifferent to these evil results than is the Government of the United States. But he hopes that Her Majesty's Government will, after this frank expression of views, more readily comprehend the position of the Government of the United States touching this serious question.

This Government has been ready to concede much in order to adjust all differences of view, and has in the judgment of the President already proposed a solution not only equitable, but generous. Thus far, Her Majesty's Government has declined to accept the proposal of the United States. The President now awaits with deep interest, not unmixed with solicitude, any proposition for reasonable adjustment which Her Majesty's Government may submit. The forcible resistance to which this Government is constrained in the Behring's Sea is, in the President's judgment, demanded not only by the necessity of defending the traditional and long-established rights of the United States, but also the rights of good morals and of good government the world over.

In this contention, the Government of the United States has no occasion and no desire to withdraw or modify the positions which it has at any time maintained against the claims of the Imperial Government of Russia. The United States will not withhold from any nation the privileges which it demanded for itself when Alaska was part of the Russian Empire. Nor is the Government of the United States disposed to exercise in those possessions any less power or authority than it was willing to concede to the Imperial Government of Russia when its sovereignty extended over them. The President is persuaded that all friendly nations will concede to the United States the same rights and privileges on the lands and in the waters of Alaska which the same friendly nations always conceded to the Empire of Russia.

I have, &c.

(Signed)

JAMES G. BLAINE.

The Marquis of Salisbury to Sir J. Pouncefote.—(Substance telegraphed.)

Sir,

Foreign Office, January 28, 1890.

I HAVE received your telegram of the 23rd instant, giving the substance of a note you had received from Mr. Blaine, in reply to the proposals made to the Government of the United States for the reopening of negotiations on the Behring's Sea question.

Her Majesty's Government will be prepared, when the text of the note reaches them, to give it their careful consideration, and to return a formal reply. So far as they are at present able to judge it lays down doctrines in international law to which they would be unable to subscribe.

Meanwhile, they would be glad to know whether, in your opinion, it would be desirable that, in reply to Mr. Blaine's assurance that "the Government of the United States await with deep interest, not unmixed with anxiety, any suggestion for a reasonable adjustment of the points at issue between the two Governments," you should now make proposals in the sense explained in your despatch of the 1st November last, with the modifications which, after consultation with the Colonial Office, have been considered necessary.

The following are the terms which Her Majesty's Government would be prepared to authorize you to propose to Mr. Blaine:—

(a.) That the tripartite negotiation for securing a close time in Behring's Sea for the protection of the fur-seals should be resumed at Washington.

(b.) That all well-founded claims for compensation on the part of British subjects for seizures in the past of their vessels by authorities of the United States should be dealt with by a separate negotiation as speedily as possible, but that it should be understood that Her Majesty's Government must be satisfied on this point before they can come to any settlement in regard to a close season.

(c.) Lastly, that an assurance should be obtained from the Government of the United States that there shall be no further seizures of British ships in Behring's Sea while negotiations are proceeding.

I am, &c.

(Signed) SALISBURY.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received by telegraph, January 30.)

My Lord,

Washington, January 30, 1890.

I HAVE the honour to inform your Lordship that I think it is important that I should know the total amount of compensation which is claimed for the seizures of British vessels in Behring's Sea up to date before making the proposals indicated in your Lordship's telegram of the 28th instant.

I have told Mr. Blaine that Her Majesty's Government must have satisfaction on this point before they can agree to any settlement on the other question.

Arguing from his stand-point he denies any right of compensation, but he is willing, for the sake of settling so grave a dispute, to consult the President of the United States as to a gratuitous offer of a lump sum in full satisfaction, in order that discussions on items involving principles on which the views of the two Governments appear irreconcilable may be avoided. He has, therefore, asked me to obtain the above information as soon as possible.

If this difficulty be surmounted, negotiations for a close season might be commenced at once, subject to adequate assurances against further seizures, which, I think, I might be able to obtain.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 275.

Colonial Office to Foreign Office.—(Received February 1.)

Sir,

Downing Street, January 31, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, forwarding a claim to compensation on behalf of the owner of the British schooner "Kate," which vessel was ordered from the Behring's Sea in August last by an officer of the United States' Revenue-cutter "Richard Rush."

I am to add that this claim had not previously been received, and Lord Knutsford has inquired, by telegraph, whether any further claims are to be expected.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 275.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

Government House, Ottawa, January 6, 1890.

I HAVE the honour to forward herewith, for transmission to the United States' Government, a copy of an approved Report of a Committee of the Privy Council submitting declarations and formal statement of the claim to compensation on behalf of the owner of the British schooner "Kate," which vessel was on the 13th August last, while engaged on a sealing voyage, ordered from the Behring's Sea, under threat of seizure, by an officer of the United States' Revenue-cutter "Richard Rush."

Your Lordship will observe that the claim amounts to the sum of 11,210 dollars for loss incurred by reason of the said vessel being interfered with in the legitimate pursuit of her calling, and is advanced by Mr. Charles Spring, of Victoria, British Columbia, as sole owner of the vessel in question.

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 275.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 28th December, 1889.

ON a Report, dated 27th December, 1889, from the Minister of Marine and Fisheries, submitting the appended declarations and formal statement of the claim to compensation on behalf of the owner of the British schooner "Kate," which vessel was on the 13th August, 1889, while engaged on a sealing voyage, ordered from the Behring's Sea (so-called) under threat of seizure by an officer of the United States' Revenue-cutter "Richard Rush."

The Minister observes that the claim amounts to 11,210 dollars for loss incurred by reason of the said vessel being interfered with in the legitimate pursuit of her calling, and is advanced by Mr. Charles Spring, of Victoria, British Columbia, as sole owner of the schooner in question.

The Minister recommends that this claim be forwarded through the proper channel to Her Majesty's Government for transmission to the Government of the United States.

The Committee advise that your Excellency be moved to forward a copy of this Minute, together with the papers mentioned herein, to the Right Honourable the Secretary of State for the Colonies.

All of which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. MCGEE,

Clerk, Privy Council.

Appendix.

Canada, Province of British Columbia,
City of Victoria.

I, Neils Moss, of the city of Victoria, province of British Columbia, Dominion of Canada, master mariner, do solemnly and sincerely declare as follows:—

1. The hereinafter mentioned schooner "Kate" is a British vessel, registered at the port of Victoria, British Columbia, and owned by Charles Spring, of the same place.

2. On or about the 1st June, 1889, I cleared the said schooner "Kate," as master thereof, at the Customs-house, port of Victoria, for a fishing and hunting voyage in the North Pacific Ocean and Behring's Sea.

On the following day the "Kate" sailed on said voyage, fully equipped and provisioned for a whole season's voyage, and carrying a crew of four men.

3. On the west coast of Vancouver Island I engaged and took on board sixteen Indian hunters and sailed northward, entering Behring's Sea on or about the 20th July following, having then on board twenty-four seal-skins caught outside Behring's Sea.

4. A few days after entering the Sea the hunters began taking seals, and continued to do so up to the 13th August following, on which day the "Kate" had on board 630 seal-skins.

5. On said 13th August, at about 6 o'clock in the evening, the United States' Revenue-cutter "Richard Rush" steamed up to the "Kate," within hailing distance, and an officer asked me what I was doing. I replied that I was fishing. He said that he had orders to order all schooners out of Behring's Sea if caught sealing, and if he saw me again in the Sea he would seize me. The wind was blowing a gale at the time, and the cutter steamed away.

6. In consequence of what had been said to me by the officer of the said cutter I at once determined to leave the Sea and not risk seizure, and on the 16th day of the said month of August the "Kate" sailed out of Behring's Sea by the Ounimak Pass, and sailing south reached Victoria about the 10th September, after some days' delay on the west coast of Vancouver Island.

7. Before being spoken by the said cutter, my intention was to remain in Behring's Sea until the 1st September, and with the hunters I had and average weather I verily believe that by the 1st September, had not the "Kate" been ordered to leave the Sea and threatened with seizure if seen again by the said cutter, the said "Kate" would have made a total catch of not less than 2,000 seal-skins. The best part of the sealing season in the said Sea was about beginning, and in the three days just preceding the said 13th August the hunters on the "Kate" brought in about 300 seal-skins.

I, Neils Moss, aforesaid, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act respecting extra-judicial oaths."

(Signed) NEILS MOSS.

Signed and declared by the said Neils Moss, the 7th day of December, A.D. 1889, before me.

(Signed) ARTHUR L. BELYEA,
*Notary Public by Royal Authority in and for
the Province of British Columbia.*

Canada, Province of British Columbia,
Victoria.

I, Charles Spring, of the city of Victoria, province of British Columbia, Dominion of Canada, trader and ship-owner, do solemnly and sincerely declare as follows:—

1. I am the sole owner of the schooner "Kate," of the port of Victoria, aforesaid.

2. I have read the declaration of Neils Moss, the master of said schooner on a sealing voyage to the North Pacific Ocean and Behring's Sea in 1889, and verily believe the same to be true.

3. The market value of seal-skins at Victoria, aforesaid, at or about the time the "Kate" arrived from said voyage and since that time, was, and now is, 8 dollars per skin.

4. I, on my own behalf and on behalf of the crew of said schooner, claim damages of and from the Government of the United States of America for having, by force of threats and intimidation, compelled the master of said schooner on said voyage to leave Behring's Sea before the close of the sealing season, and thus depriving the crew and owner of said vessel of the benefits and profits of a full season's catch of seal-skins.

I also claim compensation for legal, personal, and other expenses in connection with the preparation and submission of this claim for damages, and hereto annexed marked (A) is a statement in detail of such claim.

And I, Charles Spring, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act respecting extra-judicial oaths."

(Signed) C. SPRING.

Signed and declared by the said Charles Spring, the 13th day of December, A.D. 1889, before me.

(Signed) ARTHUR L. BELYEA,
A Notary Public by Royal Authority in and for
the Province of British Columbia.

STATEMENT of Claim by Owner of schooner "Kate."

Dollars.

2,000 seal-skins, estimated catch by "Kate" for full season of 1889 in
Behring's Sea.

630 less number taken up to 13th August, 1889.

1,370 balance, at 8 dollars per skin	10,960
Legal and other expenses in preparation and submission of this claim ..	250
Total	11,210

And interest thereon at 7 per cent. until paid.

This is the statement (A) of claim referred to in the declaration of Charles Spring, made before me the 13th day of December, 1889.

(Signed) A. L. BELYEA, Notary Public.

No. 276.

The Marquis of Salisbury to Sir J. Pauncefote.—(Substance telegraphed.)

Sir, Foreign Office, February 1, 1890.

I HAVE to acknowledge the receipt of your telegram of the 30th ultimo, asking to be informed what is the total amount of the compensation claimed on account of the British vessels seized up to date by the United States authorities in Behring's Sea.

You are authorized to inform Mr. Blaine that the claims which have been presented to Her Majesty's Government amount to about 500,000 dollars.

Her Majesty's Government would, of course, be willing to subject them to further examination, and probably considerable reductions would be found to be admissible.

Should differences of opinion arise as to the amounts to be awarded in the several cases, Her Majesty's Government might not be indisposed to agree that they should be referred to arbitration.

I am, &c.
(Signed) SALISBURY.

No. 277.

The Marquis of Salisbury to Sir J. Pauncefote.—(Substance telegraphed.)

Sir, Foreign Office, February 1, 1890.

I HAVE to inform you that the claims for compensation for the seizure of British vessels in Behring's Sea, submitted by the Canadian Government, have been revised at the Colonial Office, and should not exceed 400,000 dollars.

A summary of the various claims will be sent to you by mail this evening.

I am, &c.
(Signed) SALISBURY.

No. 278.

Foreign Office to Colonial Office.

Sir,

Foreign Office, February 6, 1890.

I AM directed by the Marquis of Salisbury to state that his Lordship would be glad to be favoured with any observations which Lord Knutsford may have to offer on the reply of the United States' Government to the protest of Her Majesty's Government against the seizures of Canadian sealing-vessels in Behring's Sea by the United States' authorities.*

I am, &c.
(Signed) P. CURRIE.

No. 279.

Colonial Office to Foreign Office.—(Received February 7.)

Sir,

Downing Street, February 6, 1890.

WITH reference to the last paragraph of the letter from this Department of the 31st ultimo, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, copies of telegraphic correspondence with the Governor-General of Canada respecting the claims on account of the seizures made by the United States' Revenue cruisers in Behring's Sea.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 279.

Lord Knutsford to Lord Stanley of Preston.

(Telegraphic.)

Downing Street, January 30, 1890.

I SHOULD be glad to know if there are any further claims for compensation Behring's Sea, and what they amount to.

Inclosure 2 in No. 279.

Lord Stanley of Preston to Lord Knutsford.

(Telegraphic.)

(Received at the Colonial Office, February 4, 1890.)

THERE is one additional claim for compensation "Minnie," 16,460 dollars. I am sending summary of claims by post, and have forwarded a copy to Her Majesty's Minister at Washington for his information.

No. 280.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received by telegraph, February 8.)

My Lord,

Washington, February 7, 1890.

THE terrible calamity which has befallen the family of the Secretary of the Navy and the renewed affliction in the family of the Secretary of State, both of which events I had the honour to report to your Lordship by telegram, have delayed the further progress of the negotiations respecting the Behring's Sea question. But as soon as was practicable after the receipt of your Lordship's telegram of the 1st instant I had an interview with Mr. Blaine and resumed the discussion on the subject of damages for the seizure of the Canadian vessels.

I informed him of the amount of the claims, at which he appeared quite astounded. After some general conversation as to the nature and character of the damages claimed, Mr. Blaine said that, viewing the case as he did from the standpoint taken in his reply

* See No. 272.

to the protest of Her Majesty's Government against the seizure of the vessels in question, he could never admit that his Government were justly liable to pay any damages at all. But he was willing to examine and assess the damages with me on the same principle as if the liability of his Government were admitted, and then to refer the question of liability to some eminent juriconsult for decision, on written statements and answers submitted by the two Governments respectively.

I objected that the whole Behring's Sea controversy would be raised in such an arbitration, which it appeared to me would of necessity involve grave questions of international law more fitting for solution by an areopagus of the Great Powers.

Mr. Blaine dissented from this view, urging that, as his Government had asserted no claim to the Behring's Sea as a *mare clausum*, no established principles of international law would be in dispute.

The Arbitrator would only have to find whether, under the circumstances, the United States' Government ought to pay damages for the seizures. If he found in the affirmative, the damages previously assessed would be paid.

I observed that, apart from other objections, it seemed to me premature to talk of arbitration; and I reminded him that at our first interview (reported in my despatch No. 190 of the 1st November, 1889) he expressed the opinion that, if an arrangement in regard to a close time should be arrived at, his Government would not wish that private individuals who had acted *bonâ fide* in the belief that they were exercising their lawful rights, should be the victims of a grave dispute between two great countries which had happily been adjusted. I inquired why he was no longer disposed to adopt this friendly and equitable mode of treating the question.

Mr. Blaine replied that he was not aware, at that time, of the magnitude of the claims. He now learned for the first time that they were actually computed at nearly 500,000 dollars. Making all allowances for exaggerated demands, the claim was still too large to be dealt with in any other way than by an appropriation vote of Congress, and his Government were not prepared to propose a vote of such an amount unless the liability of the United States' Government had been previously established by the award of an arbitrator.

If Her Majesty's Government were disposed to agree to an arbitration such as he had indicated he was quite willing to resume at once here the tripartite negotiation for a close time commenced in London, and concurrently to proceed with the necessary steps for the settlement of the question of damages.

I replied that at present my instructions were that Her Majesty's Government would come to no agreement for a close time unless they obtained satisfaction in the matter of damages, and that I thought they would only accept arbitration on the question of amount. But I promised Mr. Blaine to communicate his proposals to your Lordship without delay, and I have accordingly done so by telegram.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 281.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received by telegraph, February 8.)

(Extract.)

Washington, February 8, 1890.

WITH reference to my telegram of yesterday's date, I have the honour to inquire whether your Lordship would see any objection to the tripartite negotiation for a close time for seals in Behring's Sea, and the assessment of damages for the seizures of Canadian vessels, being commenced at once, leaving the question of arbitration in suspense until the results of both proceedings are known.

No. 282.

Foreign Office to Colonial Office.

Sir,

Foreign Office, February 10, 1890.

WITH reference to my letter of the 3rd instant, I am directed by the Marquis of Salisbury to transmit herewith, to be laid before Secretary Lord Knutsford, a copy of a

telegram from Sir J. Pauncefote,* stating that he has communicated the amount of the Behring's Sea claims to Mr. Blaine, who proposes to assess them provisionally, and then to refer the question of the liability of the United States' Government to arbitration.

I am to state that Lord Salisbury proposes, with Lord Knutsford's concurrence, to authorize Sir J. Pauncefote to commence at once the tripartite negotiations and the assessment of damages, leaving the question of arbitration in suspense until the results of both proceedings are known.

I am, &c.
(Signed) P. CURRIE.

No. 283.

The Marquis of Salisbury to Sir J. Pauncefote.

Sir,

Foreign Office, February 10, 1890.

I HAVE received your telegram of the 8th instant, stating that you have communicated to Mr. Blaine the amount claimed on account of the seizures of Canadian vessels, and that his Excellency states that such a sum could only be paid on the award of an arbitration, followed by a vote of Congress. You add that he is willing to assess the claims provisionally, leaving the question of the liability of the United States' Government to be eventually decided by arbitration.

I have to acquaint you that Her Majesty's Government are willing to proceed in accordance with Mr. Blaine's suggestion, and that you are authorized at once to commence negotiations for a tripartite Agreement respecting the establishment of a close season, and the assessment of damages sustained on account of the seizure of the vessels.

I am, &c.
(Signed) SALISBURY.

No. 284.

Colonial Office to Foreign Office.—(Received February 11.)

(Extract.)

Downing Street, February 11, 1890.

WITH reference to previous correspondence, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, forwarding a Minute of the Dominion Privy Council on the subject of the Notice published by the United States' Government calling for tenders for the lease of the Alaskan seal fisheries.

Although, as suggested by the Canadian Government, the granting of such a lease as that referred to would be calculated to complicate the contemplated negotiations, Lord Knutsford is disposed to think that the issue of the Notice need not be held to preclude the commencement of those negotiations, and his Lordship desires me to suggest that a copy of this despatch should be sent to Her Majesty's Minister at Washington, with instructions to communicate it to the United States' Government, if he sees no objection.

Inclosure 1 in No. 284.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

Government House, Ottawa, January 20, 1890.

WITH reference to the proposals made by Mr. Bayard for a close season for seals in Behring's Sea, which was dealt with by my Government in the Orders in Council, copies of which were forwarded in my despatches of the 3rd August, 1888, and of the 11th November, 1889, I have the honour to forward herewith, for your Lordship's information, a copy of an approved Minute of the Privy Council, embodying a Report of the Minister of Marine and Fisheries, in regard to an advertisement recently issued by the Secretary of the Treasury for the United States, calling for tenders for the exclusive privilege of taking seals on the Islands of St. Paul and St. George of the Pribylov group in the Behring's Sea for a term of twenty years from the 1st May, 1890.

* See No. 280.

Your Lordship will observe that my Government is apprehensive that a lease such as that contemplated in the advertisement, under which the monopoly which has existed for the past twenty years would be continued regardless of any close season, may interfere with the proposed negotiations for a close season.

I have, &c.

(Signed)

STANLEY OF PRESTON.

Inclosure 2 in No. 284.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 13th January, 1890.

ON a Report dated the 4th January, 1890, from the Minister of Marine and Fisheries, submitting in connection with the Minutes of Council of the 14th July, 1888, and 4th November, 1889, approved by his Excellency the Governor-General, upon the subject of the protection of fur-seals in the Behring's Sea, the appended advertisement recently issued by the Secretary of the Treasury for the United States of America, calling for tenders to be received up to the 23rd January instant for the exclusive privilege of taking fur-seals on the Islands of St. Paul and St. George, of the Pribylov group, in the Behring's Sea, commonly known as the Seal Islands, for a term of twenty years from the 1st May, 1890.

The Minister observes, in reference to the Honourable Mr. Bayard's proposal for international action in the establishment of a close season for seals in the Behring's Sea, extending from the 15th April to the 1st November, that the present advertisement would indicate on the part of the United States' authorities the intention to continue that monopoly of the seal industry which has existed for the past twenty years, regardless of any close season applicable to the breeding grounds or rookeries of the seals.

The Minister notices that the only important difference between the terms of the proposed lease and those in the lease held by the Alaska Commercial Company, expiring in May 1890, is the limitation in the number of seals to be annually killed, which is stated to be 60,000, instead of 100,000, for the first year, the number to be fixed by the Treasury Department for succeeding years.

The Minister desires to point out that the months open to the lessees of the breeding grounds for killing operations, during the next twenty years, are June, July, September, and October, or four of the months in the middle of the close season proposed by the Honourable Mr. Bayard on behalf of the United States' authorities.

It has already been contended by your Excellency's advisers that the dates then proposed by the Honourable Mr. Bayard were fixed to practically exclude from fishing operations all vessels likely to frequent these waters for that purpose.

The Minister observes that in support of the Honourable Mr. Bayard's proposal, it was contended that the British and other sealers were in the habit of killing and wounding the cow-seals with their young, and that therefore the necessity for the close season proposed by him was all the greater in the interest of the fishery; but upon this it may be said that the British vessels seized or expelled from the Behring's Sea, almost without exception, entered that sea, in the month of July, or during the height of the killing season of the Alaska Commercial Company, and as the female seals (according to the United States' authorities) repair to the rookeries in June and July, where they soon after bring forth their young, the opportunity for sealing-vessels to kill females with pup in the open waters of the Behring's Sea must be very rare.

The Minister is of opinion that the attention of Her Majesty's Government should be called to this state of facts, and that they be informed that your Excellency's advisers are under the apprehension that the said lease may interfere with the proposed negotiations for a close season for Behring's Sea.

The Committee concurring, advise that your Excellency be moved to forward a copy of this Minute to the Right Honourable the Secretary of State for the Colonies, for the information of Her Majesty's Government.

All which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. MCGEE,

Clerk, Privy Council.

Appendix.

[See Inclosure in No. 268.]

No. 286.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received by telegraph, February 11.)

My Lord, Washington, February 11, 1890.

I COMMUNICATED the substance of your Lordship's telegram to Mr. Blaine late yesterday evening, and he consented to your Lordship's proposal to commence the tripartite negotiation and the assessment of damages at once.

He said, at the same time, that he would communicate with the Russian Minister here on the subject and inform me of the result, with a view to common action by your Lordship and himself in inviting Russia to participate in the negotiations.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 287.

Lord Knutsford to Lord Stanley of Preston.—(Received at Foreign Office, February 12.)

(Telegraphic.)

Downing Street, February 12, 1890.

INSTRUCTIONS sent to Minister at Washington to commence negotiations for establishment of a close season, and provisionally for assessment of claims for damage; he will also be directed to communicate with you as to fixing time for Representative of Dominion Government to assist you at Washington.

No. 288.

The Marquis of Salisbury to Sir J. Pauncefote.

Sir,

Foreign Office, February 12, 1890.

WITH reference to my despatch of the 28th ultimo, I have to request that you will bear in mind that all proposals from the United States' Government for the settlement of the Behring's Sea question should be received by you *ad referendum*.

I am, &c.

(Signed) SALISBURY.

No. 289.

The Marquis of Salisbury to Sir J. Pauncefote.—(Substance telegraphed.)

Sir,

Foreign Office, February 13, 1890.

I TRANSMIT to you herewith copy of a telegram from the Governor-General of Canada relative to the Behring's Sea negotiations;* and I have to request you to communicate with the Governor-General of Canada with a view to settling the date on which the Representative of the Dominion, who will assist you in the negotiations, should arrive in Washington.

I am, &c.

(Signed) SALISBURY.

No. 290.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received by telegraph, February 14.)

My Lord,

Washington, February 13, 1890.

MR. BLAINE informed me to-day that M. de Struve, the Russian Minister here, has telegraphed to his Government to inquire whether they consent to his taking part in the negotiations on the subject of a close time for seals in Behring's Sea.

He hopes that your Lordship will, on your side, invite the Russian Government to participate in the proposed negotiations.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 291.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received by telegraph, February 14.)

My Lord,

Washington, February 13, 1890.

WITH reference to your Lordship's telegram of to-day, I have the honour to inform your Lordship that I have written to the Governor-General of Canada and have requested him to be prepared to send a Canadian Agent to Washington, in order to assist me in the forthcoming negotiations on the subject of a close time for seals in Behring's Sea.

I will not fail to telegraph to him as soon as I learn that the Russian Government have consented to participate in the negotiations.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 292.

The Marquis of Salisbury to Sir J. Pouncefote.

Sir,

Foreign Office, February 14, 1890.

WITH reference to your despatch of the 9th ultimo, I transmit herewith, for your information, a copy of a letter from the Colonial Office,* covering a copy of a despatch from the Governor-General of Canada, forwarding a Minute of the Dominion Privy Council on the subject of the Notice published by the United States' Government calling for tenders for the lease of the Alaska seal fisheries.

I am, &c.

(Signed) SALISBURY.

No. 293.

The Marquis of Salisbury to Sir R. Morier.—(Substance telegraphed.)

Sir,

Foreign Office, February 14, 1890.

I HAVE to inform your Excellency that Her Majesty's Government have agreed with that of the United States that it is desirable to resume the negotiations, which ceased in 1888, between Great Britain, Russia, and the United States for the establishment of a close time for seals in the Behring's Sea.

I should be glad if your Excellency would invite the Russian Government to give instructions to their Representative at Washington to take part in negotiations for the purpose.

I am, &c.

(Signed) SALISBURY.

Sir R. Morier to the Marquis of Salisbury.—(Received by telegraph, February 23.)*

My Lord,

St. Petersburg, February 23, 1890.

ON receipt of your Lordship's telegram of the 14th instant, instructing me inquire of the Russian Government whether they would consent to their Minister at Washington taking part in the negotiations respecting a close time for seal-fishing, which Her Majesty's Government and the United States' Government are anxious to resume, I at once addressed a note to M. de Giers in this sense.

I have now the honour to transmit to your Lordship a copy of the reply which I have received from M. de Giers, stating that the Russian Minister at Washington has been instructed by telegraph to take part in the negotiations as desired by your Lordship.

I have, &c.

(Signed) R. B. D. MORIER.

Inclosure in No. 294.

M. de Giers to Sir R. Morier.

M. l'Ambassadeur,

Saint-Petersbourg, le 9 (21) Février, 1890.

J'AI reçu la note que votre Excellence a bien voulu m'adresser en date du 3 (15) courant au sujet de la reprise des négociations, interrompues en 1888, relativement à la fixation de la période durant laquelle la chasse aux otaries serait défendue.

Le Cabinet Impérial étant vivement désireux de mettre une fin aux discussions et aux malentendus, auxquels l'absence de tout règlement à ce sujet est de nature à donner lieu, le Ministre de Russie à Washington vient d'être autorisé par télégraphe à prendre part aux négociations en question.

En me faisant un devoir d'informer votre Excellence de ce qui précède, je saisis, &c.

(Signé) GIER.S.

(Translation.)

M. l'Ambassadeur,

St. Petersburg, February 9 (21), 1890.

I HAVE received the note which your Excellency was good enough to address to me on the 3rd (15th) instant, on the subject of the resumption of the negotiations, broken off in 1888, relative to the fixture of a period during which the hunting of fur-seals should be prohibited.

The Imperial Cabinet earnestly desire to put an end to the discussions and misunderstandings to which the absence of any regulation on the subject is calculated to give rise, and the Minister of Russia at Washington has accordingly been authorized by telegraph to take part in the negotiations in question.

While making it my duty to communicate the above to your Excellency, I avail, &c.

(Signed) GIER.S.

No. 295.

Colonial Office to Foreign Office.—(Received February 22.)

Sir,

Downing Street, February 22, 1890.

WITH reference to the letter from this Department of the 6th instant, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, forwarding the claim for compensation in the case of the British schooner "Minnie," which was seized by the United States' Revenue cruiser "Richard Rush" in Behring's Sea last year.

This claim completes the list of claims on account of these seizures.

I am, &c.

(Signed) JOHN BRAMSTON.

* Substance sent to Sir J. Pauncefote by telegraph, February 22.

Inclosure 1 in No. 295.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

Government House, Ottawa, February 3, 1890.

WITH reference to the Deputy Governor's despatch of the 20th September last relative to the seizure in Behring's Sea of the British schooner "Minnie" by the United States' Revenue cutter "Richard Rush," I have the honour to transmit to your Lordship a copy of an approved Report of a Committee of the Privy Council, submitting formal statements and claim of the owner, Mr. Victor Jacobson, of Victoria, British Columbia, amounting to the sum of 16,460 dollars.

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 295.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 31st January, 1890.

ON a Report dated the 16th January, 1890, from the Minister of Marine and Fisheries, submitting, with reference to the seizure in the Behring's Sea of the British schooner "Minnie" (the circumstances attending which were detailed in a Minute of Council dated the 14th September, 1889), formal statements and claims by the owner, Mr. Victor Jacobson, of Victoria, British Columbia, to compensation for loss incurred by reason of the seizure of the said vessel, and the forcible removal therefrom to the United States' Revenue cutter "Richard Rush" of 420 seal-skins, and guns, spears, &c., as well as for the value of the catch for the balance of the season had the vessel not been interfered with in the legitimate pursuit of her calling, which claim aggregates 16,460 dollars:

The Committee, on the recommendation of the Minister of Marine and Fisheries, advise that your Excellency be moved to forward copies hereof to the Right Honourable the Secretary of State for the Colonies, for transmission to the Government of the United States.

All which is respectfully submitted.

(Signed)

JOHN J. MCGEE,

Clerk, Privy Council.

Inclosure 3 in No. 295.

Declaration of Victor Jacobson.

City of Victoria, Province of British Columbia,
Dominion of Canada.

I, VICTOR JACOBSON, of the city of Victoria, in the Province of British Columbia, Dominion of Canada, master mariner, do solemnly and sincerely declare as follows:—

1. That I am the owner and master of the British vessel "Minnie," 50 tons burden, registered at the port of Victoria aforesaid.

2. That in the first part of the month of May last I cleared the said "Minnie" at the port of Victoria for a sealing and hunting voyage in the North Pacific Ocean and Behring's Sea, and sailed immediately afterwards.

3. I had a crew of five white men and sixteen Indians, with two boats for white hunters, eight canoes for Indian hunters, and completely provisioned and equipped for a full season's hunting and sealing in northern waters.

4. On the 27th day of June last I entered the Behring's Sea, through Ounimak Pass, having then on board about 150 seal-skins caught on the way up from Victoria.

5. I immediately engaged in hunting, and sealing and continued to do so until the 15th July last, at which date I had on board 420 seal-skins in all.

6. On that day, the 15th July last, about 4 o'clock in the afternoon, I sighted a steamer bearing down upon us, which proved to be the United States' Revenue steamer "Richard Rush." When within hailing distance, an officer on the said "Rush" called out to me to heave-to, and I did so; a boat was sent off from the "Rush" with two officers and ten or twelve men. The officer and five or six men came on board the "Minnie." The officer in command asked me for my papers, which I handed to him.

He then asked me when I entered the sea, and how many skins I had. I told him, and he went back to the "Rush." In a short time he returned and told me he would take all the skins, seize my vessel, and send her to Sitka in charge of a man from the "Rush." He then ordered his men to open the hatches and take all the seal-skins, 420 in number, on board the "Rush," which was done. He also took two guns and all the Indian spears. He then went back to the "Rush," but soon returned to my vessel with a man, and said to me that this man would take charge of the vessel, except navigating her, and take her to Sitka.

7. At the time of the seizure the "Minnie" was about 65 miles north-west by west from Ounimak Pass, and about the same distance from Ounimak Island, the nearest land.

8. An hour or so after the "Rush" went away the man left in charge showed me his written instructions from Captain Shepard, of the "Richard Rush," as nearly as I can remember the directions he was to deliver the "Minnie" to the United States' authorities at Sitka, and place her captain, myself, and mate under arrest. I at once made up my mind to stay where I was and catch what seals I could. Next morning I made new spears for the Indians and sent them out sealing. I remained in the sea up to the 16th August following, and in that time caught 486 seals and eight sea otters. I did not see anything of the "Rush" after the 15th July.

9. In the season of 1888 I was in command of the schooner "Mountain Chief," with ten Indian hunters only. The said "Mountain Chief" was in Behring's Sea less than twenty days, and in seventeen days' actual sealing the ten Indian hunters caught 937 seal-skins. On the said schooner "Minnie," in 1889, I had sixteen Indian hunters and two white hunters, and but for the interference of the United States' Revenue cutter "Richard Rush," as aforesaid, the "Minnie" would have remained in Behring's Sea until about the 10th September, or a period of over two months.

10. I verily believe that if the "Minnie" had not been boarded, and the guns and spears taken as aforesaid, that the total catch of seal-skins by the hunters on board her for the season in Behring's Sea would not have been less than 2,500.

11. The value at Victoria aforesaid of seal-skins on or about the close of the sealing season for 1889, and for some time both before and after such close, was 8 dollars per skin.

I claim damages from the Government of the United States of America for the seizure of the said "Minnie" as aforesaid, and for the taking and detention of the said 420 seal-skins, and for 1,594 seal-skins, the balance of an estimated catch of 2,500, by the "Minnie" in Behring's Sea for the season of 1889, also for the guns, spears, and salt taken as aforesaid, and for legal and other expenses incidental to and arising out of such seizure, and the preparation and submission of this claim therefor, and interest thereon at 7 per cent. per annum until paid, a statement in detail of which claim is hereunto annexed.

And I, Victor Jacobson, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Act respecting extra-judicial oaths.

(Signed) VICTOR JACOBSON.

Declared by the said Victor Jacobson, at the city of Victoria, the 4th day of January, 1890.

Before me,

(Signed) ARTHUR L. BELYEA,

A Notary Public, by Royal authority, in and for the Province
of British Columbia.

Statement of Claim.—Schooner "Minnie."

For damages for seizure, &c., in Behring's Sea, July 15, 1889, by United States' Revenue cutter "Richard Rush."

	Dollars.
420 seal skins taken from "Minnie" by "Richard Rush."	
1,594 balance of estimated catch of 2,500 in Behring's Sea in 1889 by "Minnie," after deducting 486 brought to Victoria by "Minnie."	
2,014 at 8 dollars per skin	16,112
1 gun at 55 dollars, 1 gun at 10 dollars	65
10 Indian spears, at 3 dollars	30
2 sacks salt, at 1 dol. 50 c.	3
Legal and other expenses	250
Total claim	16,460

And interest on said amount at 7 per cent. per annum until paid.

This is the Statement referred to in the annexed declaration of Victor Jacobson, made before me the 4th day of January, 1890.

(Signed)

ARTHUR L. BELYEA,
Notary Public.

No. 296.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received by telegraph, February 23.)

My Lord,

Washington, February 22, 1890.

WITH reference to your Lordship's telegram of to-day, I have the honour to report that I have telegraphed to Lord Stanley to inquire when I may expect the arrival in Washington of the Canadian Agent who is to assist me in the coming negotiations.

Mr. Blaine, M. de Struve, the Russian Minister, and I, held a preliminary and informal meeting this morning, at which the question of the area of the possible arrangement was discussed.

Mr. Blaine and M. de Struve then proposed the following area: "From a point on the 50th parallel north latitude due south from the southernmost point of the Peninsula of Kamtchatka; thence due east on the said 50th parallel to the point of the intersection with the 160th meridian of longitude west from Greenwich; thence north and east by a straight line to the point of intersection of the 60th parallel of north latitude with the 140th meridian of longitude west from Greenwich."

The 50th parallel, as your Lordship is aware, was the southernmost limit proposed by Mr. Bayard, and it need only be extended on the west to the Kamtchatka Peninsula, as M. de Struve states that there is no seal fishery in the Sea of Ochotsk.

I objected, however, to the limit on the east being extended beyond the 160th meridian of longitude, which was the limit proposed by Mr. Bayard, and is quite sufficient for the necessities of the case.

I should be much obliged if your Lordship would inform me whether you approve of the area now suggested by Mr. Blaine and M. de Struve, provided it be limited on the east by the 160th meridian.

I have, &c.

(Signed)

JULIAN PAUNCEFOTE.

No. 297.

Foreign Office to Colonial Office.

Sir,

Foreign Office, February 24, 1890.

WITH reference to the letter from this Office of the 22nd instant, I am directed by the Marquis of Salisbury to transmit to you the accompanying copy of a telegram from Her Majesty's Minister at Washington,* giving the result of an informal conversation with the Secretary of State and the Russian Minister on the subject of an area within which the proposed arrangement relating to the Behring's Sea seal fisheries might be applied.

I am to request that, in laying this telegram before the Secretary of State for the Colonies, you will move his Lordship to favour Lord Salisbury, at his earliest convenience, with his opinion as to the answer which should be returned to it.

I am, &c.

(Signed)

T. H. SANDERSON.

No. 298.

Colonial Office to Foreign Office.—(Received February 28.)

Sir,

Downing Street, February 27, 1890.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 24th instant, inclosing a telegram from Her Majesty's Minister at Washington, in which he reports the result of a preliminary and informal Conference on the subject of the area

* No. 296.

within which the proposed close season for fur-seals in Behring's Sea should be confined, and requesting instructions as to the distance to the eastward at which the line limiting such area should be drawn.

I am to observe, in reply, that in order to avoid unnecessary interference with British subjects, it is desirable that the area no less than the period of the close season should be confined within the strictest limits absolutely essential for the preservation of the seals from extermination; and the line proposed by Sir J. Pouncefote appears to Lord Knutsford to include more of the open sea than is necessary, bearing in mind that the object of the negotiations is solely the sufficient preservation of the seals, and not the maintenance in its integrity of the monopoly claimed on behalf of the lessees of the Pribyloff Islands.

It appears to his Lordship that this object might be attained sufficiently by fixing an area round these islands within which sealing should be prohibited during the period when the female seals are on these islands, or in their near neighbourhood, and also possibly in the immediate vicinity of the passes of the Aleutian Islands.

The matter is one, however, on which the Secretary of State for the Colonies could not undertake to express any definite opinion without that information which the Government of Canada is alone able to supply; and his Lordship would suggest, in order to save time, that Sir J. Pouncefote should be desired to confer with Mr. Tupper, the Dominion Minister of Marine and Fisheries, who, it is understood is now at Washington, before committing Her Majesty's Government to any line of demarcation which the Government of Canada may hereafter object to as undesirable.

I am, &c.

(Signed) JOHN BRAMSTON.

No. 299.

The Marquis of Salisbury to Sir J. Pouncefote.—(Substance telegraphed.)

Sir,

Foreign Office, February 28, 1890.

I HAVE had under my consideration, in communication, with the Secretary of State for the Colonies, your telegram of the 23rd instant, reporting the result of a preliminary discussion with Mr. Blaine and the Russian Minister at Washington respecting the area within which it is proposed to prohibit seal fishing in Behring's Sea during a fixed period of each year.

Before coming to any decision with regard to the area now proposed, Lord Knutsford would be glad to know what view of it is taken by the Government of Canada.

I have accordingly to request you, in order to save time, to consult the Canadian Minister of Marine, who is now at Washington, on the subject, and to inform me of his opinion by telegraph.

I am, &c.

(Signed) SALISBURY.

No. 300.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received March 5.)

My Lord,

Washington, February 11, 1890.

WITH reference to my despatch of the 7th instant, I have the honour to report that I had a further interview this day with the Secretary of State, at his request, on the subject of the proposed arbitration, and provisional assessment of damages.

Mr. Blaine said that it might be convenient if he were to put in writing, informally, his views as to the question to be arbitrated, and the procedure to be followed in regard to the assessment of damages.

He accordingly, in my presence, drew up a Memorandum, of which he afterwards handed me a copy. It is in the following terms:—

"The first question to be arbitrated is whether, under the circumstances existing at the time, the Government of the United States was justified in arresting and detaining the vessels that entered the Behring's Sea for the purpose of killing fur-seals in the open sea.

"In the event of the arbitrator finding that the Government of the United States was justified in arresting and detaining the vessels before described, the case would be finished.

"In the event that the Government of the United States was found not to be justified, the second question would be the ascertainment of the amount of damages due to the Government of Great Britain. If that amount could not be amicably determined by the British Minister in Washington and the American Secretary of State, it would be left to the determination of the arbitrator, who should find the amount according to certain principles previously agreed to by both Parties."

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 301.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received March 5.)

My Lord, Washington, February 20, 1890.

I HAVE the honour to inclose an extract from the "New York Herald" of yesterday stating that the Russian Government has confirmed the renewal of the lease of the Russian seal islands in Behring's Sea to the Alaska Commercial Company.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 301.

Extract from the "New York Herald" of February 19, 1890.

THE FUR-SEAL MONOPOLY.—RUSSIA RENEWS THE ALASKA COMPANY'S LEASE OF ISLANDS IN BEHRING'S SEA.

[By Telegraph to the "Herald."]

San Francisco, February 18, 1890.

A PRIVATE despatch received here to-day announces that the Imperial Russian Government has confirmed the renewal of the lease of the Russian seal islands in Behring's Sea to the Alaska Commercial Company of this city. This action is understood to be based upon a persuasion that the Government of the United States will take a similar course with regard to its own seal islands, and that the control of the seal-fur industry may thus be vested in a single management.

INCORPORATION OF AN ALASKA COMMERCIAL COMPANY IN NEW YORK.

Albany, New York, February 18, 1890.

The New York Commercial Company of Alaska (Limited), formed with a capital of 1,000,000 dollars, for carrying on mining, fishing, building, and commercial enterprises generally in the Territory of Alaska, filed a certificate of incorporation with the Secretary of State to-day. The incorporators of the Company are William B. Pope, Thaddeus D. Bradford, William T. Davis, and John H. Droge, of New York; and Henry S. Tibbey, of Unga Island, Alaska.

No. 302.

The Marquis of Salisbury to Sir J. Pauncefote.

Sir, Foreign Office, March 8, 1890.

I HAVE received your despatch of the 7th ultimo, reporting a conversation which you had held with Mr. Blaine on the subject of damages for the seizure of Canadian vessels by the United States' Revenue cutters in Behring's Sea.

Your language on the occasion is approved.

I am, &c.
(Signed) SALISBURY.

No. 303.

*Colonial Office to Foreign Office.—(Received March 15.)*Sir, *Downing Street, March 14, 1890.*

I AM directed by Lord Knutsford to acknowledge the receipt of copies of despatches from Her Majesty's Minister at Washington respecting communications which have passed with the United States' Secretary of State as to the compensation for the seizure of British vessels in Behring's Sea.*

I am to observe that the terms on which Mr. Blaine would propose to submit the question of compensation to arbitration, as stated in his Memorandum, taken together with his further statement that no established principles of international law would be brought into dispute, appear to indicate that he would abandon, before the arbitrator, not only the *mare clausum* doctrine, but also the claim of an exclusive right of fishery in Behring's Sea, and would rely on the contention that the United States are charged with the duty of repressing acts done in that sea, *contra bonos mores*, to the injury of a fishery open to all nations. Lord Knutsford cannot doubt that an impartial arbitrator, whether all the three issues or only one of them be placed before him, would confirm the opinion that the owners are entitled to compensation for the ill-treatment to which they have been subjected.

Lord Knutsford, however, desires me to observe that the question whether recourse should be had to arbitration on this subject, and the precise issues to be submitted to an arbitrator, are matters on which it is important to ascertain the views of the Government of Canada.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 304.

*The Marquis of Salisbury to Sir J. Pouncefote.—(Substance telegraphed.)*Sir, *Foreign Office, March 15, 1890.*

HER Majesty's Government have had under their consideration your despatches of the 7th and 11th ultimo, reporting the substance of conversations you had had with Mr. Blaine on the question of the claims for damages on account of seizures of British vessels by American cruisers in Behring's Sea, and on his proposal to refer the question of the liability of the United States' Government to the decision of some eminent juriconsult.

I transmit, for your information and guidance, a copy of a letter from the Colonial Office, containing Lord Knutsford's observations on your Reports above referred to.†

I am, &c.
(Signed) SALISBURY.

No. 305.

*Sir J. Pouncefote to the Marquis of Salisbury.—(Received March 17.)*My Lord, *Washington, March 1, 1890.*

I HAVE the honour to report that the Honourable Charles H. Tupper, the Dominion Minister of Marine and Fisheries, arrived here on the 25th ultimo, and on the 27th was presented by me to the Secretary of State. He was this day presented by Mr. Blaine to the President.

On the occasion of our visit to the Secretary of State we had some informal conversation with him as to the procedure to be followed in the tripartite negotiation.

Mr. Blaine apparently considered that we should commence at once to discuss the limits of the proposed close season as regards its area and duration.

I pointed out, however, that I deemed it essential, in the first place, to examine the evidence on which the United States' Government base their contention as to necessity for a close season.

Mr. Blaine objected that such an inquiry would cause a delay of several months, and

that it was unnecessary, as the case for a close season had been established by the evidence of numerous United States' officials and experts, and that the result of their researches and practical experience during the last twenty years had already been published to the world.

I replied that their evidence had been contested, and that, in my opinion, it was of the highest importance that a conclusion on the point should, if possible, be arrived at in the course of the present negotiation, for the satisfaction not only of my Government, but of all the other Governments who, if an arrangement should be concluded, will be invited to accede to it.

I urged that no delay would be occasioned, as I could not see any reason why we should not proceed provisionally and concurrently with the other questions involved, such as the area and duration of the close season, the consideration of which would be materially assisted by the inquiry I proposed.

After some further discussion, in which Mr. Tupper took part, Mr. Blaine agreed to furnish extracts from the evidence already published by his Government, on which they relied as establishing the case for a close season, and it was arranged that the first meeting of the negotiators should take place at the State Department on Monday, the 3rd instant, at 11 o'clock.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 306.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received March 17.)

My Lord,

Washington, March 4, 1890.

WITH reference to my despatch of the 26th December, I have the honour to inclose an extract from the "Washington Post," in which it is stated that the North American Commercial Company of New York and San Francisco have been granted a lease for taking fur seals upon the Islands of St. Paul and St. George, Alaska, for a period of twenty years from the 1st May next.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 306.

Extract from the "Washington Post" of March 1, 1890.

ALASKA FISHERIES LEASE.—Secretary Windom has directed a lease to be made with the North American Commercial Company of New York and San Francisco, I. Liebes, President, for the exclusive privilege of taking fur seals upon the Islands of St. Paul and St. George, Alaska, for a period of twenty years from the 1st May next.

The following are the names of the Directors of the North American Commercial Company: Lloyd Trevis, Henry Cowell, Mathias Meyer, and Isaac Liebes, all of San Francisco, and Albert Miller, of Oakland, California. Mr. David O. Mills, of New York, is a Director of the Company. Its capital stock is 2,000,000 dollars.

The annual revenue to the Government under this lease on the basis of 100,000 seals per annum will be about 1,000,000 dollars, as against about 300,000 dollars under the present lease to the Alaska Commercial Company.

No. 307.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received March 17.)

My Lord,

Washington, March 7, 1890.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 12th ultimo, in which you request me to bear in mind that all proposals from the United States' Government for the settlement of the Behring's Sea should be received by me *ad referendum*, and I beg to state that I shall strictly adhere to your Lordship's instructions.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received by telegraph, March 18.)

(Extract.)

Washington, March 18, 1890.

WITH reference to my despatch of the 1st instant, I have the honour to report that the Behring's Sea negotiations have come to a deadlock, owing to a conflict of evidence in regard to the necessity for a close season for the fur-seal fishery.

Mr. Blaine and M. de Struve both agree that the preservation of the fur-seal species is the sole object in view; but they insist, at the same time, that it will necessitate the total exclusion of sealing vessels from Behring's Sea during the close season.

Mr. Tupper, on the other hand, maintains that no close season is necessary at all; but I believe the Canadian Government are ready to give way to some extent on this point.

Mr. Blaine says that the arguments on his proposal are exhausted, and has called upon me to put forward a counter-proposal.

I have accordingly prepared a draft Convention, which, I venture to state, offers the only prospect of a possible arrangement.

Mr. Tupper left for Ottawa last night, taking with him a copy of it, which he will submit for the consideration of the Canadian Government.

I will not fail to telegraph the reply of the Canadian Government to my proposal, and shall then await further instructions from your Lordship.

In the meanwhile, negotiations are suspended.

No. 309.

The Marquis of Salisbury to Sir J. Pauncefote.

Sir,

Foreign Office, March 19, 1890

HER Majesty's Government approve your proceedings in connection with the negotiations for the establishment of a close season in the Behring's Sea seal fishing, as reported in your despatch of the 1st instant.

I am, &c.

(Signed) SALISBURY.

No. 310.

Colonial Office to Foreign Office.—(Received March 20.)

Sir,

Downing Street, March 19, 1890.

WITH reference to previous correspondence, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, forwarding a Schedule of the claims for compensation for damages resulting from the seizure of British vessels in Behring's Sea.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 310.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

Government House, Ottawa, February 3, 1890.

I HAD the honour to send to your Lordship to-day the following telegraphic message in code:—

"One additional claim for compensation 'Minnie' 16,460 dollars. Summary of claims by post. Have sent copy, for his information, to Minister at Washington."

I have now the honour to transmit a copy of a Privy Council Order on which my telegram was based. A copy of this Minute has been forwarded to Her Majesty's Minister at Washington, for his information.

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 310.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 3rd February, 1890.

THE Committee of the Privy Council have had before them the cablegram from the Right Honourable the Secretary of State for the Colonies, dated the 30th January, 1890, of which the substance is as follows :—

“Are there any further claims for compensation for Behring’s Sea seizures, and can you state their amount?”

The Minister of Marine and Fisheries, to whom the cablegram was referred, observes that my despatch of the 6th January inclosed a copy of an Order in Council of the 28th December, 1889, in reference to the compensation claimed by the owners of the “Kate,” and that a claim on behalf of the owners of the “Minnie” has, since the date of the despatch alluded to, been formally made and forwarded to the Right Honourable the Secretary of State for the Colonies.

The Minister further, in order that no claim relating to the seizures in Behring’s Sea may escape the attention of Her Majesty’s Government, recommends that the appended reply to the above message be forwarded by your Excellency to the Right Honourable the Secretary of State for the Colonies, for the information of Her Majesty’s Government.

The Committee advise that your Excellency be moved to cable the reply as herewith submitted.

(Signed)

JOHN J. McGEE, *Clerk,*
Privy Council.

Appendix.

Proposed Reply from his Excellency the Governor-General to the Right Honourable the Secretary of State for the Colonies.

THE following claims have reached my Government, and have been duly forwarded :—

- 1886. “Corolena,” 40,739 dollars ; and personal claims, 5,000 dollars.
- 1886. “Onward,” 39,181 dollars ; personal claims, 6,500 dollars.
- 1886. “Thornton,” 43,576 dollars ; personal claims, 6,500 dollars.
- 1886. “Favorite,” 7,000 dollars.
- 1887. “Anna Beck,” 43,764 dollars ; personal claims, 3,000 dollars.
- 1887. “Sayward,” 42,481 dollars ; personal claims, 3,000 dollars.
- 1887. “Dolphin,” 59,950 dollars ; personal claims, 3,635 dollars.
- 1887. “Grace,” 57,964 dollars ; personal claims, 2,000 dollars.
- 1887. “Ada,” 34,518 dollars ; personal claims, 2,000 dollars.
- 1887. “Alfred Adams,” 20,433 dollars.
- 1889. “Black Diamond,” 17,185 dollars.
- 1889. “Pathfinder,” 26,765 dollars.
- 1889. “Juanita,” 14,695 dollars.
- 1889. “Lily,” 17,167 dollars.
- 1889. “Triumph,” 19,674 dollars.
- 1889. “Ariel,” 9,498 dollars.
- 1889. “Kate,” 11,210 dollars.
- 1889. “Minnie,” 16,460 dollars.

No. 311.

Foreign Office to Colonial Office.

Sir,

Foreign Office, March 20, 1890.

WITH reference to my letter of the 15th instant, I am directed by the Marquis of Salisbury to transmit herewith, for the information of Secretary Lord Knutsford, a copy of a telegram from Sir J. Pannecote,* reporting on the present state of the negotiations on the Behring’s Sea question.

I am at the same time to say that, before taking any further action in regard to this telegram, Lord Salisbury proposes to wait for information from Sir J. Pannecote as to whether the Canadian Government are disposed to take a favourable view of the

* No. 308.

Convention which he has drafted for the protection of the fur seals resorting to Behring's Sea.

I am, &c.
(Signed) P. CURRIE.

No. 312.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received by telegraph, March 26.)

My Lord,

Washington, March 26, 1890.

I HAVE the honour to report that some of to-day's newspapers announce the publication of the Proclamation relating to the seal fishery in Behring's Sea, which the President of the United States is bound by law to issue "at a timely season in each year."

Mr. Blaine told me a few days ago that it was ready for publication.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 313.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received March 31.)

My Lord,

Washington, March 21, 1890.

IN continuation of my despatch of the 1st instant relating to the Behring's Sea fisheries, I have the honour to report that the first formal meeting of the Conference between the Secretary of State, M. de Struve (the Russian Minister), and myself took place on the 3rd instant, and that Mr. Tupper, the Canadian Minister of Marine and Fisheries, was present on the occasion.

A long discussion took place on the subject of a close season. Mr. Blaine and M. de Struve contended that not only was a close season indispensable for the preservation of the fur-seal species, but that no close season would be effectual for securing the object in view unless during the period of its duration all sealing vessels of whatever nationality were absolutely excluded from the Behring's Sea.

The Russian Minister stated that since the date of our preliminary meeting of the 22nd ultimo (reported by me to your Lordship on the same day), at which a line of demarcation for a close season had been informally proposed by Mr. Blaine and himself, he had received instructions from his Government to press that the line should commence on the west from a point at the southern extremity of the Island of Saghalien, in order to protect the rookery or breeding place on Robin Reef in the Sea of Ochotsk.

On the other hand, Mr. Blaine seemed disposed to agree that on the east the line should terminate at the 160th meridian of longitude west from Greenwich, as originally proposed by the United States' Government.

Mr. Tupper, who was then invited to express his views, strongly contended that a close season was not necessary for the preservation of the fur-seal species. All that was really required for that purpose was to use greater vigilance for the protection of the rookeries against the destruction of seals on shore by marauding parties. This would be effectually carried out by the United States' Government by the employment of additional cruisers, without necessitating the exclusion of all sealing vessels from the Behring's Sea for any period.

A great deal of argument ensued on the evidence of particular witnesses and the reports of officials and experts, in the course of which Mr. Blaine laid great stress on a passage in the Report of Mr. Mowatt, Inspector of Fisheries for British Columbia, which is cited in Mr. Bayard's despatch to Mr. Phelps of the 7th February, 1888. It is to the effect that the enormous catch of fur seal in Behring's Sea by schooners from San Francisco and Victoria consisted principally of "cows" or female seals, and that, in view of the increase of vessels fitting out every year, there was reason to apprehend, in the opinion of the writer, that unless some measure of protection were adopted, the fur-seal fishery would soon be depleted.

It was agreed to adjourn the meeting until we had examined a Memorandum of the evidence relied on by the United States' Government which Mr. Blaine had promised to furnish, as reported in my despatch of the 1st instant.

This Memorandum was delivered the same day, and Mr. Tupper immediately prepared a counter-Memorandum in support of his views.

Both documents are in course of printing, and copies will be transmitted to your Lordship as early as practicable.

They unfortunately present so great a divergence of opinion on all the facts relating to the fur-seal fishery in the Behring's Sea, that Mr. Blaine decided to invite M. de Struve and myself to an interview on the 12th instant, at which he stated that the perusal of Mr. Tupper's Memorandum had convinced him of the hopelessness of arriving at a solution that would be satisfactory to Canada. He said he had exhausted all the arguments in favour of the proposal made by the United States' Government two years ago, and he called on me to make a counter-proposal on behalf of Her Majesty's Government.

I replied that I was reluctant to make a counter-proposal without previous reference to your Lordship, but that I did not take so desponding a view of the situation as he appeared to do.

It had been admitted and agreed that the sole object of the proposed arrangement was the preservation of the fur-seal species, and not the gain or benefit of any particular Government or body of persons. I did not believe that Canada, in view of the conflict of evidence, would object to a reasonable close season, at all events by way of experiment, and with a view to the further elucidation of the question.

The difficulty was to fix the limits of a close season both as to its area and its duration. Mr. Bayard in his despatch to Mr. White of the 1st May, 1888, had distinctly stated that only such a period is desired "as may be requisite for the end in view." This equally applied to the question of area.

It would be strange therefore if no machinery could be devised to surmount the difficulty.

I then stated that I had prepared a scheme which provided such machinery, and that I had actually put it in the form of a draft Convention which I proposed to refer to your Lordship, and, if approved, to lay before the Conference as the counter-proposal of Her Majesty's Government.

I then explained the general provisions of the scheme.

The draft Convention lays down in the first place that there shall be a close season, but that in view of the conflict of evidence which has arisen as to what should be its area and duration, a Commission of experts shall be appointed to report on the matter, and that if on the examination of their Report the three Governments should still be unable to settle the conditions of a close season, the points in difference shall be referred to the arbitration of an impartial Government, whose award shall finally determine the close season for the purposes of the Convention.

The draft also provides for the immediate adoption and enforcement of a provisional close time as to which the High Contracting Parties would probably be disposed to be more yielding by reason of its temporary and experimental character, and in view of the prospect of an ultimate and impartial decision on the questions in dispute.

The other Articles of the draft provide for the enforcement of the close season, the trial of offenders, the duration of the Convention, and the accession thereto of other Powers.

Mr. Blaine and M. de Struve declined to look at the draft or to express any opinion on the scheme until it should be formally placed before them, but they listened to its details with evident interest, and I observed no indication of serious dissent or unfavourable criticism on their part.

I am not without hope therefore that if its general features should meet with your Lordship's approval, it may form a basis of arrangement, and present an issue out of the difficulties of the situation.

Mr. Tupper, who concurs generally in the draft, has returned to Ottawa to consult his Government thereon, and the next meeting of the Conference is adjourned pending the receipt of your Lordship's further instructions.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 314.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received March 31.)

My Lord,

Washington, March 21, 1890.

I HAVE the honour to inclose a cutting from the New York "Tribune" of the 19th instant, containing an article on the Alaska Sea fisheries, headed "Rights in Behring's Sea."

I have been unable to discover that any American jurist has ever ventured to assert that the United States can claim any special jurisdiction over Behring's Sea, or any

exclusive right of fishery therein, or to support the extraordinary argument that the correspondence between the Russian and United States' Governments in 1823 had no reference to Behring's Sea.

On the other hand, the fallacy of the views put forward in the "New York Tribune" has been demonstrated, as your Lordship is aware, by two eminent American writers, Professor Rayner, in his letters to the "New York Evening Post" of the 27th June and 18th October, 1889, and Professor Angel, in his article in the "Forum" of November 1889.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 315.

The Marquis of Salisbury to Sir J. Pauncefote.

(Telegraphic.) *Foreign Office, April 3, 1890.*
THE principle of the draft Convention has my full approval.

No. 316.

Colonial Office to Foreign Office.—(Received April 9.)

Sir, *Downing Street, April 9, 1890.*
IN reply to your letter of the 20th ultimo, forwarding copy of a telegram from Her Majesty's Minister at Washington, on the present state of the negotiations on the Behring's Sea question, I am directed by Lord Knutsford to acquaint you, for the information of the Marquis of Salisbury, that he concurs in his Lordship's proposal to await information as to the views of the Canadian Government on the subject of the Convention which Sir J. Pauncefote has suggested before taking any action in the matter.

I am, &c.
(Signed) R. H. MEADE.

No. 317.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received April 10.)

My Lord, *Washington, March 31, 1890.*
I HAVE the honour to inclose herewith a newspaper extract relative to the detention of the British sealing-vessel "Pathfinder" at Portland, Oregon.
She was seized last year in Behring's Sea, and ordered to Sitka in charge of one seaman. She escaped to Victoria, and has been engaged in sealing till compelled to go into Portland Bay for repairs, where she was detained till released by instructions from the Secretary of the Treasury dated the 29th instant, on the ground that the Federal Courts of Alaska have exclusive jurisdiction over all violations of the Seal Fishery Laws.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 317.

Extract from the "New York Tribune," of March 30, 1890.

Portland, Oregon, March 29, 1890.

THE British sealing schooner "Pathfinder," Captain Arthur Morgan, of Victoria, was towed into port last night by the United States' Revenue cutter "Corwin." The schooner was found at Neagh Bay, Washington, with rudder disabled, and taken into custody by the cutter. The "Pathfinder" is not seized, but detained pending instructions from the Department at Washington. The schooner is one of the sealing-vessels seized last year in Behring's Sea by the cutter "Richard Rush," and ordered to Sitka, Alaska, in charge of one seaman as a prizemaster. She escaped to Victoria, and has since been engaged in sealing off the American and British coasts till yesterday, when compelled to go into the bay for repairs. Captain Hooper, of the "Corwin," holds the vessel pending the decision of the Department relative to whether the vessel is amenable to the Law regarding sealing in Behring's Sea, for which she was seized.

The "Pathfinder" sailed from Victoria two months ago; she secured 150 seals off the coast of Vancouver and Washington.

Particulars of the detention have been sent to the Secretary of the Treasury at Washington, also to the Department at Ottawa, Canada.

Washington, March 29, 1890.

The following telegram was sent by Assistant Secretary Tichenor this afternoon to the Collector of Customs at Port Townsend, Washington:—

"In the year 1887 the Department, in a case quite similar, but in some respects stronger for the Government, decided that the vessel could not be held. In view of that precedent, without now reviewing the principles upon which it proceeded, I direct the release of the 'Pathfinder.'"

The precedent referred to in the above telegram was the case of the schooner "Ellen." That vessel was seized in Behring's Sea in 1887, by Captain Shepard, of the Revenue Marine Service, for violation of the Seal Fishery Laws, and was ordered to Sitka, Alaska, for trial. Instead, however, her captain took her to San Francisco. She was there seized by the Customs officers, but was subsequently released by direction of Secretary Fairchild, on the ground that the Federal officers at San Francisco had no jurisdiction over offences committed in the District of Alaska. Under this ruling the Federal Courts of Alaska will have exclusive jurisdiction over all violations of the Seal Fishery Laws.

No. 318.

Colonial Office to Foreign Office.—(Received April 18.)

ir,

Downing Street, April 14, 1890.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, copies of telegraphic correspondence with the Governor-General of Canada respecting the proposed Convention for the establishment of a close time for seals in Behring's Sea.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 318.

Lord Knutsford to Lord Stanley of Preston.

(Telegraphic.)

Downing Street, April 11, 1890.

TELEGRAPH whether, as I hope, your Government has agreed to Minister at Washington's proposed Behring's Sea Convention.

Inclosure 2 in No. 318.

Lord Stanley of Preston to Lord Knutsford.

(Telegraphic.)

(Received April 12, 1890.)

MINISTER OF MARINE has returned to Washington with our alternative proposal.

We are quite ready to acquiesce in general principle of protecting seal life, but are most anxious that inquiry by experts may precede permanent Treaty, as we believe the facts to be incorrect on which United States' proposals are based. We suggest *modus vivendi* for not more than two years, during which experts should determine the facts on which permanent Treaty can be based.

Cannot answer your question till we hear, which we expect to do soon, from Washington. No disposition here to raise unnecessary difficulties, but if we get no better terms than those proposed by United States, seal fishery will be seriously affected.

No. 319.

Colonial Office to Foreign Office.—(Received April 19.)

Sir,

Downing Street, April 19, 1890.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a telegram from the Governor-General of Canada,

reporting that his Government accept with some modifications Sir J. Pauncefote's second draft Convention for establishing a close season for fur seals in Behring's Sea.

Lord Knutsford will be glad to have a copy of the second draft, with the modifications suggested by the Dominion Government, if it has been telegraphed by Sir J. Pauncefote.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 319.

Lord Stanley of Preston to Lord Knutsford.

(Telegraphic.)

April 18, 1890.

THE Prime Minister told me this afternoon that his Cabinet will accept Sir J. Pauncefote's second draft with some modifications, which, in my opinion, do not injure it. I have telegraphed to tell him so. I hope grave difficulty is now over so far as Canada is concerned.

No. 320.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received April 21.)

(Extract.)

Washington, April 11, 1890.

I HAVE the honour to report that the Honourable Mr. Tupper, the Dominion Minister of Marine and Fisheries, called on me yesterday on his return from Ottawa.

He informed me that the Canadian Government objected to my proposed draft of a Convention for the settlement of the Behring's Sea question in so far as it admitted the necessity of a close season, and provided, although provisionally, for the exclusion of sealers within a certain radius round the breeding islands.

I understand that the principal objection of the Canadian Government to the radius clause is that it would practically have the effect of an admission that it was necessary for the preservation of the fur-seal species; and they maintain the position that no interference with pelagic sealing is necessary for the purpose in view.

I am anxious that the proposal of Her Majesty's Government should be practical and liberal, and such as will commend itself to the sense of justice and impartiality of all other nations. On the other hand, I need hardly say how anxious I am to give the utmost effect to the views and wishes of the Dominion Government in this negotiation. I have therefore prepared a new draft Convention, of which I inclose copy, and in which I have followed, as closely as is consistent with the views above expressed, the lines indicated by the Canadian Government.

I am sending a copy of the new draft this day to Lord Stanley, together with a copy of this despatch.

In the meanwhile, I should be grateful if your Lordship would inform me by telegram whether you concur in the views I have expressed and approve of the new draft which I have prepared, or whether you desire that I should adopt the first draft as amended by the Dominion Government, as the counter-proposal of Her Majesty's Government.

[For draft Convention as proposed to United States' Government, see Inclosure 2 in No. 326.]

No. 321.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received April 25.)

My Lord,

Washington, April 15, 1890.

WITH reference to my despatch of the 21st ultimo, I have the honour to inclose herewith copies of the correspondence relating to the fur-seal fisheries in Behring's Sea, which I have just received from Mr. Blaine, and which consists of the

evidence furnished by experts and officers of the United States, and the counter-evidence furnished in reply thereto by Mr. Tupper, on the question of the extermination of the fur-seal species by the killing of seals in the open sea.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 321.

Correspondence relating to Fur-Seal Fisheries in Behring's Sea.

Mr. Blaine to Sir J. Pouncefote.

My dear Sir Julian,

Department of State, Washington, March 1, 1890.

I HAVE extracted from official documents and appended hereto a large mass of evidence, given under oath by professional experts and officers of the United States, touching the subject upon which you desired further proof, namely, that the killing of seals in the open sea tends certainly and rapidly to the extermination of the species. If further evidence is desired, it can be readily furnished.

I have, &c.

(Signed) JAMES G. BLAINE.

From the official Report made to the House of Representatives in 1889:—

In former years fur-seals were found in great numbers on various islands of the South Pacific Ocean, but after a comparatively short period of indiscriminate slaughter the rookeries were deserted, the animals having been killed or driven from their haunts: so that now the only existing rookeries are those in Alaska, another in the Russian part of Behring's Sea, and a third on Lobos Island, at the mouth of the River Plate in South America.

All these rookeries are under the protection of their several Governments.

The best estimate as to the number of these animals on the Alaska rookeries places it at about 4,000,000; but a marked diminution of the numbers is noticed within the last two or three years, which is attributed by the testimony to the fact that unauthorized persons during the summers of 1886, 1887, and 1888 had fitted out expeditions and cruized in Alaskan waters, and by the use of fire-arms destroyed hundreds of thousands of these animals without regard to age or sex.

The law prohibits the killing of fur-seals in the Territory of Alaska or the waters thereof, except by the lessee of the Seal Islands, and the lessee is permitted to kill during the months of June, July, September, and October only; and is forbidden to kill any seal less than 1 year old, or any female seal, "or to kill such seals at any time by the use of fire-arms, or by other means tending to drive the seals away from those islands." (Revised Statutes, section 1960.)

Governor Simpson, of the Hudson Bay Company, in his "Overland Journey Round the World," 1841-42, p. 130, says:—

"Some twenty or thirty years ago there was a most wasteful destruction of the seal, when young and old, male and female, were indiscriminately knocked in the head. This imprudence, as any one might have expected, proved detrimental in two ways. The race was almost extirpated, and the market was glutted to such a degree, at the rate for some time of 200,000 skins a-year, that the prices did not even pay the expenses of carriage. The Russians, however, have now adopted nearly the same plan which the Hudson Bay Company pursues in recruiting any of its exhausted districts, killing only a limited number of such males as have attained their full growth, a plan peculiarly applicable to the fur-seal, inasmuch as its habits render a system of husbanding the stock as easy and certain as that of destroying it."

In the year 1800 the rookeries of the Georgian Islands produced 112,000 fur-seals. From 1806 to 1823, says the "Encyclopædia Britannica," the Georgian Islands produced 1,200,000 seals, and the Island of Desolation has been equally productive." Over 1,000,000 were taken from the Island of Mas-a-Fuera and shipped to China in 1798-99. (Fanning's "Voyages to the South Sea," p. 299.)

In 1820 and 1821 over 300,000 fur-seals were taken at the South Shetland Islands, and Captain Weddell states that at the end of the second year the species had there become almost exterminated. In addition to the number killed for their furs, he estimates that "not less than 100,000 newly-born young died in consequence of the destruction of their mothers." (See Elliott's Report, 1884, p. 118.)

In 1830 the supply of fur-seals in the South Seas had so greatly decreased that the vessels engaged in this enterprise "generally made losing voyages, from the fact that those places which were the resort of seals had been abandoned by them." (Fanning's "Voyages," p. 487.)

At Antipodes Island, off the coast of New South Wales, 400,000 skins were obtained in the years 1814 and 1815.

Referring to these facts, Professor Elliott, of the Smithsonian Institution, in his able Report on the Seal Islands, published by the Interior Department in 1884, says:—

"This gives a very fair idea of the manner in which the business was conducted in the South Pacific. How long would our sealing interests in Behring's Sea withstand the attacks of sixty vessels carrying from twenty to thirty men each? Not over two seasons. The fact that these great southern rookeries withstood and paid for attacks of this extensive character during a period of more than twenty years speaks eloquently of the millions upon millions that must have existed in the waters now almost deserted by them."

Mr. R. H. Chapel, of New London, Connecticut, whose vessels had visited all the rookeries of the South Pacific, in his written statement before the Committee on Commerce of the House of Representatives, said:—

"As showing the progress of this trade in fur-seal skins, and the abuses of its prosecution, resulting in almost total annihilation of the animals in some localities, it is stated on good authority that, from about 1770 to 1800, Kerguelen Land, in the Indian Ocean, yielded to the English traders over 1,000,000 skins; but open competition swept off the herds that resorted there, and since the latter year hardly 100 per annum could be obtained on all its long coast. Afterwards Mas-a-Fuera Island, near Juan Fernandez, was visited, and 50,000 a-year were obtained; but as every one that desired was free to go and kill, the usual result followed—the seals were exterminated at that island, and also at the Galapagos group near by.

"Falkland and Shetland Islands, and South American coasts, near Cape Horn, came next in order; here the seal were very abundant. It is stated that at the Shetlands alone 100,000 per annum might have been obtained and the rookeries preserved, if taken under proper restrictions; but in the eagerness of men they killed old and young, male and female; little pups a few days old, deprived of their mothers, died by thousands on the benches; carcasses and bones strewed the shores, and this productive fishery was wholly destroyed. It is estimated that in the years 1821 and 1822 no less than 320,000 of these animals were killed at the Shetlands alone. An American captain, describing in after years his success there, says: 'We went the first year with one vessel and got 1,200; the second year with two vessels, and obtained 30,000; the third year with six vessels, getting only 1,700—all there was left.'

"A small rookery is still preserved at the Lobos Islands, off the River La Plata; this, being carefully guarded under strict regulations by the Government of Buenos Ayres and rented to proper parties, yields about 5,000 skins per annum. As late as the year 1854 a small island, hardly a mile across, was discovered by Americans in the Japan Sea, where about 50,000 seals resorted annually. Traders visited it, and in three years the club and knife had cleaned them all off. Not 100 a season can now be found there."

Honourable C. A. Williams, of Connecticut, who inherited the whaling and sealing business from his father and grandfather, speaking of the seal in the South Pacific, gave the following testimony before the Congressional Committee:—

The history of sealing goes back to about 1790, and from that to the early part of this century.

In the earlier period of which I speak there were no seals known in the North Pacific Ocean. Their particular haunt was the South Atlantic. They were discovered by Cook, in his voyages, on the Island of Desolation; by Widdall, in his voyages to the South Pole, on the Island of South Georgia and Sandwichland; and by later voyagers, whose names escape me, in the islands of the South Pacific Ocean. When the number of seals on those islands were first brought to the notice of British merchants, they pursued the hunting of these animals on the Island of Desolation.

The most authentic authority we have about the matter is derived from reports made by these voyagers as to the number of seals taken from those places, and, although they are not entirely accurate, I think they are fully as accurate as could be expected, considering the lapse of time. On the Island of Desolation it is estimated that 1,200,000 fur-seals were taken; from the Island of South Georgia a like number were taken, and from the Island of Mas-a-Fuera probably a greater number were taken. As to the Sandwichland the statistics are not clear, but there can be no doubt that over 500,000 seals were taken from that locality, and in 1820 the Islands of South Shetland, south of Cape Horn, were discovered; and from these islands 320,000 fur-seals were taken in two years. There were other localities from which seals were taken, but no others where they were found in such large numbers.

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The cause of the extermination of seals in those localities was the indiscriminate character of the slaughter. Sometimes as many as fifteen vessels would be hanging around these islands awaiting opportunity to get their catch, and every vessel would be governed by individual interests. They would kill everything that came in their way that furnished a skin, whether a cow, a bull, or a middle-grown seal, leaving the young pups just born to die from neglect and starvation. It was like taking a herd of cattle and killing all the bulls and cows and leaving the calves. The extermination was so complete in these localities that the trade was exhausted, and voyages to those places were abandoned. About 1870, nearly fifty years after the discovery of the South Shetland Islands, when the occupation of Alaska by the cession of Russia to the United States of the Behring's Sea was brought about—

The Chairman.—I want to interrupt you to ask a question bearing on that point. Were those rookeries in the South Seas never under the protectorate of any Government at all?

The Witness.—Never. I was going to say that when the cession was made by Russia to the United States of this territory, and the subject of the value of fur-seals, or the possible value, was brought to mind; people who had been previously engaged in that business revisited these southern localities after a lapse of nearly fifty years, and no seals were found on the Island of Desolation. These islands have been used as the breeding-place for sea-elephants, and that creature cannot be exterminated on that island, for the reason that certain beaches known as "weather beaches" are there. The sea breaks rudely upon these beaches, and it is impossible to land upon them. There are cliffs, something like 300 to 500 feet, of shore ice, and the sea-elephant finds a safe resort on these beaches, and still preserves enough life to make the pursuit of that animal worth following in a small way.

I have vessels there, and have had, myself and father, for fifty or sixty years. But this is incidental. The Island of South Shetland, and the Island of South Georgia, and the Island of Sandwichland, and the Diegos, off Cape Horn, and one or two other minor points were found to yield more or less seal. In this period of fifty years in these localities seal life had recuperated to such an extent that there was taken from them in the six years from 1870 to 1876 or 1877 perhaps 40,000 skins.

Q. After they had been abandoned for fifty years?—A. Yes; to-day they are again exhausted. The last year's search of vessels in that region—I have the statistics here of a vessel from Stonington from the South Shetland Islands, reported in 1888, and she procured thirty-nine skins as the total result of search on those islands and South Georgia.

One of my own vessels procured sixty-one skins; including eleven pups, as the total result of her

voyage; and, except about Cape Horn, there are, in my opinion, no seals remaining. I do not think that 100 seals could be procured from all the localities mentioned by a close search. Any one of those localities I have named, under proper protection and restrictions, might have been perpetuated as a breeding-place for seals, yielding as great a number per annum as do the islands belonging to the United States.

Now, the trade in those localities is entirely exhausted, and it would be impossible in a century to restock those islands, or bring them back to a point where they would yield a reasonable return for the investment of capital in hunting skins. That, in brief, completes the history of the fur-seal in the South Atlantic Ocean.

Danger of the Extermination of the Alaska Rookeries.

We have already mentioned that the present number of seals on St. Paul and St. George Islands has materially diminished during the last two or three years. The testimony discloses the fact that a large number of British and American vessels, manned by expert Indian seal-hunters, have frequented Behring's Sea and destroyed hundreds of thousands of fur-seals by shooting them in the water, and securing as many of the carcasses for their skins as they were able to take on board. The testimony of the Government Agents shows that of the number of seals killed in the water not more than one in seven, on an average, is secured, for the reason that a wounded seal will sink in the sea; so that for every 1,000 sealskins secured in this manner there is a diminution of seal life at these rookeries of at least 7,000. Added to this is the fact that the shooting of a female seal with young causes the death of both. If the shooting is before delivery, that, of course, is the end of both; if after, the young seal dies for want of sustenance.

During the season of 1885 the number of contraband sealskins placed on the market was over 13,000; and in 1886, 25,000; in 1887, 34,000; and in 1888 the number of illicit skins secured by British cruisers was less than 25,000, which number would have been largely increased had not the season been very stormy and boisterous. American citizens respected the law and the published notice of the Secretary of the Treasury, and made no attempt to take seals.

From this it appears that, during the last three years, the number of contraband sealskins placed on the market amounted to over 97,000, and which, according to the testimony, destroyed nearly 750,000 fur-seals, causing a loss of revenue amounting to over 2,000,000 dollars, at the rate of tax and rental paid by the lessee of the Seal Islands.

Limitation: the Lessee forbidden to kill any Female Seal.

The following is an extract from the official Report to Congress:—

The lessee is permitted to kill 100,000 fur-seals on St. Paul and St. George Islands, and no more, and is prohibited from killing any female seal or any seal less than one year old, and from killing any fur-seal at any time except during the months of June, July, September, and October, and from killing such seals by the use of fire-arms or other means tending to drive the seals from said islands, and from killing any seal in the water adjacent to said islands, or on the beaches, cliffs, or rocks where they haul up from the sea to remain

Further extract from Report:—

It is clear to your Committee, from the proof submitted, that to prohibit seal-killing on the Seal Islands, and permit the killing in Behring's Sea, would be no protection; for it is not on the islands where the destruction of seal life is threatened or seals are unlawfully killed, but it is in that part of Behring's Sea lying between the eastern and western limits of Alaska, as described in the Treaty of Cession, through which the seals pass and repass in going to and from their feeding-grounds, some 50 miles south-east of the rookeries, and in their annual migrations to and from the islands.

Extract from Report of L. N. Buynitsky, Agent of the Treasury in 1870, to Honourable Geo. L. Boutwell, Secretary of the Treasury. It will be observed that this Report was made in 1870, before any dispute had arisen with the Canadian sealers:—

When the herd has been driven a certain distance from the shore a halt is made, and a sorting of the game as to age, sex, and condition of the fur is effected. This operation requires the exercise of a life-long experience, and is of the outmost importance, as the killing of females, which are easily mistaken for young males, even by the natives, would endanger the propagation of the species.

The same witness, when not an employé of the Treasury, gave testimony on another point in 1889:—

Q. Where are those seals born? Where do the female seals give birth to their young?—A. They are born on the rookeries.

Q. Are they an animal or a fish, or what are they; how do you classify them?—A. They are hot-blooded animals born on the land; they are not a fish.

Q. And born on the United States' territory, are they?—A. Yes; all those born on the Islands of St. Paul and St. George.

Q. That is in United States' territory?—A. Yes, Sir. "Fisheries" is a misnomer all the way through, and always was.

H. A. Glidden, an Agent of the Treasury Department, was on the Pribylov Islands from May 1882 to June 1885. In describing before the Congressional Committee the mode of killing seals by the lessee of the islands, the following occurred:—

Q. Do they kill any females?—A. They never kill females. I do not know of but one or two instances in my experience where a female seal was ever driven out with the crowd.

Q. Do you believe seal life can be preserved without Government protection over them?—A. I do not.

W. B. Taylor, a Treasury Agent, was asked the same question as to the killing of female seals, and he said that "he had never known but one or two killed by the lessee on the islands, and they by accident." He was further asked as follows:—

Q. When they kill the seals in the waters, about what proportion of them do they recover?—A. I do not believe more than one-fourth of them.

Q. The others sink?—A. They shoot them and they sink.

Q. Have you ever noticed any wounded ones that came ashore that have been shot?—A. No, Sir; I do not think I did.

The same witness testified as follows:—

Q. You do not think, then, that the value of the seal fisheries and the seal rookeries could be preserved under an open policy?—A. No, Sir; I do not. I think if you open it they will be destroyed without question.

Q. Do you think it necessary to protect the seals in the sea and down in their feeding-grounds in the Pacific, if possible, in order to preserve their full value and the perpetuity of seal life? Do you think they ought to be protected everywhere as well as on the rookeries?—A. Yes, Sir; I think they ought to be protected not alone on the rookeries, but on the waters of the Behring's Sea. I do not think it is necessary to go outside of the Behring's Sea, because there is no considerable number of them.

Q. Are they so dispersed in the Pacific that they would not be liable to destruction?—A. Yes, Sir; they are scattered very much, and no hunters do much hunting in the Pacific, as I understand. Another reason why they should be protected in all the waters of the Behring's Sea is this: a large number of seals that are on the islands of course eat a great many fish every twenty-four hours, and the fish have become well aware of the fact that there are a good many seal on the Seal Islands, and they stay out a longer distance from the islands, and they do not come near the shore. It becomes necessary for the seal themselves, the cows, to go a good distance into the sea in order to obtain food, and it is there where most of the damage is done by these vessels. They catch them while they are out.

Q. So on the rookeries they go out daily for food?—A. The cows go out every day for food. The bulls do not go; they stay on the island all summer. The cows go 10 and 15 miles, and even further, I do not know the average of it, and they are going and coming all the morning and evening. The sea is black with them round about the islands. If there is a little fog and they get out half-a-mile from shore, we cannot see a vessel—100 yards even. The vessels themselves lay around the islands there where they pick up a good many seal, and there is where the killing of cows occurs when they go ashore. I think this is worse than it would be to take 25,000 more seal on the islands than are now taken. I think there is some damage done in the killing and shooting of the cows, and leaving so many young without their mothers.

Q. Is it your opinion that a larger number of seals may be taken annually without detriment to the rookeries?—A. No, Sir; I would not recommend that. The time may come, but I think that one year with another they are taking all they ought to take, for this reason:

I believe that the capacity of the bull seal is limited, the same as any other animal, and I have very frequently counted from thirty to thirty-five, and even, at one time, forty-two cows with one bull. I think if there were more bulls there would be less cows to one bull, and in that way the increase would be greater than now. While the number of seal in the aggregate is not apparently diminished, and, in fact, there is undoubtedly an increase, yet if you take any greater number of seal than is taken now, this ratio of cows to one bull would be greater, and for that reason there would be a less number of young seals, undoubtedly. I look upon the breeding of the seal as something like the breeding of any other animal, and that the same care, and restriction, and judgment should be exercised in this breeding.

The same witness testified as follows:—

Q. What will be the effect upon the seal rookeries if this surreptitious and unlawful killing in the Behring's Sea is to be permitted?—A. In my judgment, it would eventually exterminate the seal.

Mr. C. A. Williams, of Connecticut, before referred to, testified as follows:—

Q. I would like to know—I do not know that it is just the proper time—but I would like to get the idea of those conversant with the habits and nature of the seal, as to what their opinion is upon the effect of the indiscriminate killing of them while they are coming to and going from the islands?—A. That is a question which I think most any of us here can answer. If you note the conformation of

the Aleutian Islands, which form a wall, and note the gaps through which the seals come from the Pacific Ocean seeking the haunt on these islands, that is the whole point. When they come through these various passes, generally through the Oomnak Pass, the sea is reasonably shallow, and the cows come laden with pups, waiting until the last moment in the water to go ashore to deliver, because they can roll and scratch and help themselves better than if they haul out when heavy with pup, so they stay in the water playing about until their instinct warns them it is time to go ashore, and during that time they are massed in great quantities in the sea.

Q. Now, in that view of it, the destruction of them there is almost practically the same as the destruction on the islands?—A. Yes, Sir.

Q. And the conditions are as bad?—A. Yes, Sir; and often worse, for this reason: If you kill a pup you destroy a single life, but in killing a cow you not only destroy the life that may be, but the source from which life comes hereafter, and when they are killed there in the water by a shot-gun or a spear the proportion saved by the hunters is probably not one in seven. That was their own estimate; that out of eight shots they would save one seal and seven were lost. If they were killed on the land, those seven would go towards filling out their score.

The same witness also testified as follows:—

Q. Have you instructed your agents to comply strictly with the Laws and Regulations of the Treasury Department?—A. In every case; yes.

Q. Do you kill seals with fire-arms at the islands, or do you prohibit that?—A. No, Sir, never; it is not allowed by the Act.

Q. Do you kill the female seals or allow them to be killed?—A. Never with our knowledge.

Q. Do you kill any during the month of August for their skins?—A. Not a seal; no.

Q. Do you kill any seals under 2 years old?—A. Not that we are aware of.

The same witness further testified:—

Q. Now, I would like to have your opinion as to the insufficiency of the present measures taken by the Government for the protection of the rookeries, and your opinion as to whether any additional safeguards are necessary for their protection.—A. That the present measures are somewhat insufficient is shown by the fact that for the last three or four years there have been increased depredations annually upon the rookeries. More seals are taken within the limits of Behring's Sea. Formerly seals were only taken outside of Behring's Sea as they passed up to British Columbia, and off the mouth of Puget Sound, in the waters of the Pacific Ocean. That was a legitimate place to take them, and one against which no objection could be raised. Seals which come up that way enter through the passages of the Aleutian Islands nearest to the mainland, and it has always been the custom in British Columbia and our Sound to intercept the seal and get what they could. Within the last two or three years marauders have followed them through the passages into Behring's Sea, and have with guns and spears taken the seals as they lay upon the water, as I stated before, waiting to haul ashore and have their pups. The cows are heavy with pup, and they do not like to go ashore until the last moment, and so they lie there in the water, and this affords an opportunity for these marauders to shoot and spear them. This is done by gangs of Indians which they have. They hire gangs of Indians and take them with them. The effects of this shooting is not alone upon the seals which are at that point, but also upon those all around, and it startles them and raises a suspicion in their minds, and there is a general feeling of disturbance such as you notice among cattle when bears are about or something of that kind.

And again:—

Q. Now, Mr. Williams, should it be finally ascertained and considered by our Government that, under the Treaty of Cession by which we acquired Alaska from Russia, and under the law of nations, the United States does possess and has absolute dominion and jurisdiction over Behring's Sea and the waters of Alaska, would you think it would be a wise policy to adhere to and maintain that jurisdiction and dominion complete, or would it be wiser to declare it the high sea in the legal sense?—A. In the light of to-day I should say keep what you have got.

Q. Hold it as a closed sea?—A. Fisheries within those limits are yet to be developed, and it would seem to be very unwise to open up possible fishery contentions which are very likely to arise by such a course.

Q. You think that would be, then, the wiser policy to maintain such jurisdiction and dominion as we have, and to concede to the vessels of other nations such rights as are not inconsistent with the interests which our nation has there and which need protection?—A. Exactly that; the right of transit through the sea wherever they please, but positive protection to seal life.

Q. You do not think it would be wise to grant anything else?—A. No, Sir; not at all.

Q. And in no case to surrender the power of policing the sea?—A. No, Sir; under no circumstances.

Q. Could that power and jurisdiction be surrendered and yet preserve this seal life on these rookeries and the value of our fisheries that may be developed there?—A. Only with very great risk, because, if that right is surrendered, and thereby the right to police the sea, the depredations that are made upon the seal wherever they may be found, wherever men thought they could carry them out without being taken in the act, would be carried out. So it would be difficult in regard to the fisheries. Wherever they could kill these seals they certainly would be there, and it would be impossible to prevent them.

In the statements and statistics relative to the fur-seal fisheries submitted by C. A. Williams in 1888 to the Committee of Congress on Merchant Marine and Fisheries, appears the following:—

Examination of the earliest records of the fur-seal fishery shows that from the date of man's recognition of the value of the fur the pursuit of the animal bearing it has been unceasing and relentless. Save in the few instances to be noted hereafter, where Governments have interposed for the purpose of protecting seal life, having in view benefits to accrue in the future, the animal has been wantonly slaughtered, with no regard for age, sex, or condition. The mature male, the female heavy with young, the pup, dependent for life on the mother, each and all have been indiscriminately killed or left to die of want. This cruel and useless butchery has resulted in complete extermination of the fur-seal from localities which were once frequented by millions of the species; and, so far as these localities are concerned, has obliterated an industry which a little more enlightened selfishness might have preserved in perpetuity to the great benefit of all ranks of civilized society. Nothing less than stringent laws, with will power to enforce them against all violators, can preserve for man's benefit the remnant of a race of animals so interesting and so useful.

The most valuable "rookery," or breeding-place, of these animals ever known to man is now in the possession of the United States. How it has been cared for in former years and brought to its present state of value and usefulness will be shown later on. But the matter of its preservation and perpetuation intact is the important question of the moment, and that this question may be considered intelligently the evidence is here presented of the wanton destruction that has befallen these animals when left unprotected by the law to man's greed and selfishness, which, it is fair to say, is all that could be expected from the unlicensed hunter, whose nature seeks individual and immediate gain, with no regard for a future in which he has no assurance of personal advantage.

The following statistics are gathered from the journals of early navigators, and such commercial records as are now available are submitted.

Kerguelen Land.—An island in Southern Indian Ocean, discovered about 1772. The shores of this island were teeming with fur-seal when it first became known. Between the date of its discovery and the year 1800 over 1,200,000 seal-skins were taken by the British vessels from the island, and seal life thereon was exterminated.

Crozetts.—The Crozett Islands, in same ocean and not far distant, were also visited and hunted over and the seal life there totally exhausted.

Mas-á-Fuera.—An island in Southern Pacific Ocean, latitude 38° 48' south, longitude 80° 34' west, came next in order of discovery, and from its shores in a few years were gathered and shipped 1,200,000 fur-seal skins.

Delano, chapter 17, p. 306, says of Mas-á-Fuera:—

"When the Americans came to this place in 1797 and began to make a business of killing seals, there is no doubt but there were 2,000,000 or 3,000,000 of them on the island. I have made an estimate of more than 3,000,000 that have been carried to Canton from thence in the space of seven years. I have carried more than 100,000 myself, and have been at the place when there were the people of fourteen ships or vessels on the island at one time killing seals."

South Shetlands.—In 1821–23 the South Shetland Islands, a group nearly south from Cape Horn, became known to the seal-hunters, and in two years over 320,000 seals were killed and their skins shipped from these islands.

South Georgia.—Later still, seal were found on the Island of South Georgia, South Atlantic Ocean, and from this locality was obtained over 1,000,000 of fur-seal, leaving the beaches bare of seal life.

Cape Horn.—From the coasts of South America and about Cape Horn many thousands of fur-seal have been taken, and of the life once so prolific there nothing is now left save such remnants of former herds as shelter on rocks and islets almost inaccessible to the most daring hunter.

This record shows the nearly complete destruction of these valuable animals in southern seas. Properly protected, Kerguelen Land, Mas-á-Fuera, the Shetlands, and South Georgia might have been hives of industry, producing vast wealth, training-schools for hardy seamen, and furnishing employment for tens of thousands in the world's markets where skins are dressed, prepared, and distributed. But the localities were no man's land, and no man cared for them or their products save as through destruction they could be transmitted into a passing profit.

The seal life of to-day available for commercial purposes is centred in three localities:—

1. The Lobos Islands, situated in the mouth of the River La Plata, owned and controlled by the Uruguay Republic, and by that Government leased to private parties for the sum of 6,000 dollars per annum and some stipulated charges. The annual product in skins is about 12,000. The skins are of rather inferior quality. Insufficient restrictions are placed upon the lessees in regard to the number of skins permitted to be taken annually, consequently there is some waste of life; nevertheless, the measure of protection allowed has insured the preservation of the rookery, and will continue so to do.

2. Komandorski Couplet, which consists of the Islands of Copper and Behring, near the coast of Kamchatka, in that portion of Behring's Sea pertaining to Russia. These islands yield about 40,000 skins per annum, of good quality, and are guarded by carefully restrictive Rules as to the killing of seal, analogous to the Statutes of the United States relative to the same subject. The right to take seal upon them is leased by the Russian Government to an Association of American citizens, who also hold the lease of the islands belonging to the United States, and are thus enabled to control and direct the business in fur-seal skins for the common advantage and benefit of all parties in interest. These islands can hardly be said to have been "worked" at all for salted sealskins prior to the cession of Alaska by Russia to the United States, and the United States' Government now profits by the industry to the extent of the duty of 20 per cent. collected on the "dressed skins" returned

to this country from the London market. From 1878 to 1887, inclusive, this return has been 121,275 skins.

3. The Pribylov group consists of the Islands of St. Paul and St. George, and is a Government reservation in that part of Behring's Sea ceded to the United States by Russia, together with and a part of Alaska. So exhaustive an account of these islands and their seal life has been given by Mr. H. W. Elliott, Special Agent of the Treasury Department in 1874, and since intimately connected with the Smithsonian Institution, which account has been made a part of Tenth Census Report, that it would be intrusive here to attempt to supplement aught, and therefore only generalizations based on said Report and such statements of life and procedure on the islands to-day are presented as may be pertinent in this connection.

In an article on fur-seals which appeared in "Land and Water," July 14, 1877, Mr. Henry Lee (Englishman), F.L.S., says :—

It has been stated that during a period of fifty years not less than 20,000 tons of sea-elephant's oil, worth more than 1,000,000*l.*, was annually obtained from New Georgia, besides an incalculable number of fur-seal skins, of which we have no statistics. Some idea may be had of their numbers in former years when we learn that on the Island of Mas-a-Fuera, on the coast of Chile (an island not 25 miles in circumference), Captain Fanning, of the American ship "Betsy," obtained in 1798 a full crop of choice skins, and estimated that there were left on the island at least 500,000 seals. Subsequently there were taken from this island little short of 1,000,000 skins. The seal catching was extensively prosecuted there for many years, the sealing fleet on the coast of Chile alone then numbering thirty vessels. From Desolation Island, also discovered by Cook, and the South Shetlands, discovered by Weddell, the number of skins taken was at least as great; from the latter alone 320,000 were shipped during the two years 1821 and 1822. China was the great market to which they were sent, and there the price for each skin was from 4 to 6 dollars. As several thousand tons of shipping, chiefly English and American, were at that time employed in fur-seal catching, the profits of the early traders were enormous.

Does the reader ask what has become of this extensive and highly remunerative southern fur trade? It has been all but annihilated by man's grasping greed, reckless improvidence, and wanton cruelty. The "woeful want" has come that "woeful waste" has made. Without thought of the future the misguided hunters persistently killed every seal that came within their reach. Old and young, male and female, were indiscriminately slaughtered, in season and out of season, and thousands of little pups not thought worth the trouble of knocking them on the head were left to die of hunger alongside of the flayed and gory carcasses of their mothers. Every coast and island known to be the haunt of the seals was visited by ship after ship, and the massacre left unfinished by one gang was continued by the next comers and completed by others until, in consequence of none of the animals being left to breed, their number gradually diminished so that they were almost exterminated, only a few stragglers remaining where millions were once found. In some places where formerly they gathered together in such densely packed crowds upon the shore that a boat's crew could not find room to land till they had dispersed them for a space with oars and boat-hooks, not one fur-seal was to be found even so long ago as 1835.

Dr. H. H. McIntyre, Superintendent of the seal fisheries of Alaska for the lessees, testified before the Congressional Committee as follows :—

Q. What proportion of the seals shot in the water are recovered and the skins taken to market?—

A. I think not more than one-fifth of those shot are recovered. Many are badly wounded and escape. We find every year, imbedded in blubber of animals killed upon the islands, large quantities of bullets, shot, and buckshot. Last year my men brought to me as much as a double handful of lead found by them imbedded in this way.

* * * * *

Q. I want to ask you whether or not the 3-year-old seals, or many of them, which should have returned this year did not return because they had been killed?—A. That seems to be the case. The marauding was extensively carried on in 1885 and 1886, and in previous years, and of course the pups that would have been born from cows that were killed in 1885, or that perished through the loss of their mothers during that year, would have come upon the islands in 1888, and we should have had that additional number from which to make our selection this year. The deficiency this year is attributed to that cause—to the fact that the cows were killed. And I would say further that if cows are killed late in the season, *say in August*, after the pups are born, the latter are left upon the island deprived of the mother's care, and of course perish. The effect is the same whether the cows are killed before or after the pups are dropped. The young perish in either case.

* * * * *

Q. It being conceded that the islands are their home, and no one being interested other than the American and Russian Governments, there would be no special reason why other nations would object?—A. Only the Governments of the United States and England are interested in the Alaskan seal fisheries to any great extent. The United States is interested in it as a producer of raw material, and England as a manufacturer of furs. If these two nations were agreed that seal life should be protected, I think there would be no trouble in fully protecting it. It is a question of quite as much interest to England as to the United States, for she has a large number of skilled workmen and a large amount of capital engaged in this industry.

Professor Elliott, of the Smithsonian Institution, who has spent some time in scientifically examining the Seal Islands and the habits of the seal, thus describes the killing power of the seal-hunter at sea :—

His power to destroy them is also augmented by the fact that those seals which are most liable to meet his eye and aim are the female fur-seals, which, heavy with young, are here slowly nearing the land, soundly sleeping at sea by intervals, and reluctant to haul out from the cool embrace of the water upon their breeding-grounds until that day, and hour even, arrives which limits the period of their gestation.

The pelagic sealer employs three agencies with which to secure his quarry, viz.: He sends out Indians with canoes from his vessel armed with spears; he uses shot-guns and buck-shot, rifles and balls; and last, but most deadly and destructive of all, he can spread the "gill-net" in favourable weather.

With gill-nets "underrun" by a fleet of sealers in Behring's Sea across these converging paths of the fur-seal, anywhere from 10 to 100 miles southerly from the Pribylov group, I am moderate in saying that such a fleet could utterly ruin and destroy those fur-seal rookeries now present upon the Seal Islands in less time than three or four short years. Every foot of that watery roadway of fur-seal travel above indicated, if these men were not checked, could and would be traversed by those deadly nets; and a seal coming from or going to the islands would have, under the water and above it, scarcely one chance in ten of safely passing such a cordon.

Open those waters of Behring's Sea to unchecked pelagic sealing, then a fleet of hundreds of vessels, steamers, ships, schooners, and what not, would immediately venture into them, bent upon the most vigorous and indiscriminate slaughter of these fur-seals; a few seasons of greediest rapine, then nothing would be left of those wonderful and valuable interests of our Government which are now so handsomely embodied on the Seal Islands; but which, if guarded and conserved as they are to-day, will last for an indefinite time to come as objects of the highest commercial good and value to the world, and as subjects for the most fascinating biological study.

Shooting fur-seals in the open waters of the sea or ocean with the peculiar shot and bullet cartridges used involves an immense waste of seal life. Every seal that is merely wounded, and even if mortally wounded at the moment of shooting, dives and swims away instantly, to perish at some point far distant, and to be never again seen by its human enemies; it is ultimately destroyed, but it is lost, in so far as the hunters are concerned. If the seal is shot dead instantly, killed instantly, then it can be picked up in most every case; but not one seal in ten fired at by the most skilful marine hunters is so shot, and nearly every seal in this ten will have been wounded, many of them fatally. The irregular tumbling of the water around the seal, and the irregular heaving of the hunter's boat, both acting at the same moment entirely independent of each other, making the difficulty of taking an accurate aim exceedingly great, and the result of clean killing very slender.

Mr. George R. Tingle, United States' Treasury Agent in charge of the fur-seal islands from April 1885 until August 1886, testified as follows:—

Q. It is Mr. McIntyre's opinion that they have not only not increased, but have decreased?—
A. There has been a slight diminution of seals, probably.

Q. To what do you attribute that?—A. I think there have been more seals killed in the sea than ever before by marauders. I estimated that they secured 30,000 skins in 1887, and in order to secure that number of skins they would have had to kill 500,000 seals, while this Company in taking 100,000 on shore destroyed only thirty-one seals. Those were killed by accident. Sometimes a young seal, or one not intended to be killed, pops up his head and gets a blow unintentionally.

Q. The waste of seal life was only fifty-three in 1887?—A. Yes, Sir; in securing 100,000 skins, while these marauders did not kill last year less than 500,000. The logs of marauding schooners have fallen into my hands, and they have convinced me that they do not secure more than one seal out of every ten that they mortally wound and kill, for the reason that the seals sink very quickly in the water. Allowing one out of ten, there would be 300,000 that they would kill in getting 30,000 skins: 200,000 of those killed would be females having 200,000 pups on shore. Those pups would die by reason of the death of their mothers, which, added to the 300,000, makes 500,000 destroyed. I am inclined to think, because the seals show they are not increasing, or rather that they are at a standstill, that more than 300,000 are killed by marauders.

Q. You are of the opinion, then, that the marauders are killing more seals than the Alaska Commercial Company?—A. At least five or six times as many as the Alaska Commercial Company are killing.

Q. What will be the effect if more stringent measures are not taken to protect the seals by the Government?—A. If more stringent measures are not taken, it is only a question of time when these seals will be driven ultimately to seek some other home where they will not be molested. They will not continue to be harassed; and, if this marauding is continued, they will, in my opinion, either be gradually exterminated, or will leave the islands permanently and land at some other place. They may go on the Russian side.

Q. Will marauding increase if the Government does not take steps to prevent it?—A. I think so.

Q. Is it practicable to prevent it?—A. Yes, Sir. If we did not allow these cheeky, persistent, insolent British Columbia seamen to go there and defy the United States and its authorities, it would very soon be stopped. When our revenue-cutters seize the British schooners, the captains are very insolent and defiant, and claim that they have a strong Government at their backs. I am now referring particularly to Captain Warner, of the "Dolphin." He said in 1887, when captured, "We have got a strong Government at our backs, and we will fight you on this question." "Very well," says Captain Shepherd, "I have got a strong Government at my back, and I am going to do my duty. My Government sends me to protect these seal rookeries. I am charged by this Administration to enforce the law, and I will seize all marauders."

Q. You were speaking a while ago in regard to the amount of seal life destroyed by marauders, and that a captain had given the number of seals destroyed. Have you seen any of the log-books of those vessels?—*A.* Yes, Sir.

Q. Will you state what you remember with regard to the number of seals lost or captured by those vessels?—*A.* I remember reading the log-book of the "Angel Dolly," which I captured. There was an entry in that log-book that read as follows: "Issued to-day to my boats 300 rounds of ammunition. At night they came in with the ammunition all expended, and one seal-skin."

Q. They had shot 300 rounds of ammunition?—*A.* Yes, Sir. Another entry I saw was: "Seven seals shot from the deck, but only secured one." All lost but one. Another entry: "It is very discouraging to issue a large quantity of ammunition to your boats, and have so few seals returned." An entry was made in another place, where he gave it as his opinion that he did not secure one seal-skin out of every fifty seals wounded and killed.

Q. Have you seen seal-skins upon the island that had been shot?—*A.* Very often. We gather handfuls of shot every season.

Q. Does that injure the market value of the skins?—*A.* Undoubtedly. Any hole is an injury to the skin.

Extract from Mr. Tingle's Report to the Treasury Department:—

I am now convinced from what I gather, in questioning the men belonging to captured schooners and from reading the logs of the vessels, that not more than one seal in ten killed and mortally wounded is landed on the boats and skinned; thus you will see the wanton destruction of seal life without any benefit whatever. I think 30,000 skins taken this year by the marauders is a low estimate on this basis; 300,000 fur-seals were killed to secure that number, or three times as many as the Alaska Commercial Company are allowed by law to kill. You can readily see that this great slaughter of seals will in a few years make it impossible for 100,000 skins to be taken on the islands by the lessees. I earnestly hope more vigorous measures will be adopted by the Government in dealing with these destructive law-breakers.

William Gavitt, an Agent of the United States' Treasury, gave this testimony:—

Q. I understand you to say—for instance, taking 1887 or 1888—that the 100,000 seals taken upon the islands and the 40,000 taken and killed in the water, if no greater amount was taken, that there would be no perceptible diminution in the number of seal; that by the natural increase the Company might take 40,000 more than now if it were not for the depredations?—*A.* I had in mind an average between 25,000 killed in 1888 and about 40,000 in 1887.

Q. What I want to know is this: Is it your opinion that the number taken in the sea, when they are on the way from the islands to the feeding-grounds, have a tendency to demoralize the seal and to break up their habits, their confidence, &c.?—*A.* It would be likely to do it. They are very easily frightened, and the discharge of fire-arms has a tendency to frighten them away.

By Mr. MacDonald:

Q. No seals are killed by the Company in this way?—*A.* No, Sir; they are all killed on the islands with clubs.

Jacob H. Moulton, an Agent of the Government, testified:—

Q. Do you think it essential to the preservation of seal life to protect the seal in the waters of Alaska and the Pacific?—*A.* There is no doubt about it.

Q. The herd could be exterminated without taking them upon the islands?—*A.* They could be exterminated by a system of marauding in the Behring's Sea, but I think the number killed along the British Columbia coast did not affect the number we were killing on the islands at that time, because there was apparently an increase during these years. There had been for five or six years up to that time. Since that time in Behring's Sea the seal have been gradually decreasing.

Q. You think their decrease is attributable to unlawful hunting in Behring's Sea?—*A.* There is no doubt of that.

Q. As a result of your observation there, could you suggest any better method of preserving seal life in Behring's Sea than that now adopted?—*A.* Not unless they furnished more revenue-vessels and men-of-war.

Q. So as to patrol the sea closely?—*A.* I think so. I do not think the seals scatter much through any great distance during the summer season, although very late in the summer the smaller seals arrive. The females, after giving birth to their young, scatter out in Behring's Sea for food. We know they leave the islands to go into the water, because they are coming and going. They suckle their young the same as most animals.

Q. Lawless hunters kill everything they find, I believe, females or not?—*A.* Yes, Sir.

Q. When a female is nursing her young and goes out for food and is killed or wounded, that results also in the death of her young?—*A.* Yes, Sir. As her young does not go into the water, it does not do anything for some time, and cannot swim and has to be taught.

Q. The seals are born upon those islands?—*A.* Yes, Sir; they come there for that purpose. They come there expressly to breed, because if they dropped their young in the water the pup would drown.

Q. Do you think the value of the seals justifies the policy that the Government pursues for their preservation and protection?—*A.* Yes, Sir; I do.

Q. And under a rigidly enforced system protecting seal life in the waters of these seas do you

think the herd could be materially increased?—*A.* I think it would. I think there is no doubt but what it would.

Edward Shields, of Vancouver Island, a sailor on board the British schooner "Caroline," engaged in seal-hunting in Behring's Sea in 1886, testified, after the vessel was seized, that the 686 seals taken during the whole time they were cruising in the open sea were chiefly females.

Mr. H. A. Glidden, Treasury Agent, recalled, testified as follows:—

Q. From the number of skins taken you estimated the number killed?—*A.* That season I know there were thirty-five vessels in the sea, and we captured fifteen vessels. The catches of the vessels were published in the papers when they arrived home, and averaged from 1,000 to 2,500 skins each.

Q. You estimate, then, that during the season 40,000 skins were taken? In killing them in the open sea they do not recover every seal they kill?—*A.* No, Sir; I do not think they do. In fact, I know they do not, judging from the amount of shot and lead taken from the seals that are afterwards killed on St. Paul and St. George Islands.

Q. So that the destruction of the seals in the open sea would be much in excess of the number taken, probably?—*A.* I have no very accurate information on which to base an opinion, but I should judge that they lost from 40 to 60 per cent. of them. I saw a good many shot from the boats as I was approaching, and think they lost two or three out of five or six that I saw them shoot at.

Q. From your observations have you any recommendations or suggestions to offer, the adoption of which would lead to the better preservation of seal life in these waters than is now provided by law?—*A.* There is a difference of opinion as to the construction of the law. I firmly believe that the Government should either protect the islands and water in the eastern half of Behring's Sea or throw up their interest there. If the Behring's Sea is to be regarded as open for vessels to go in and capture seals in the water, they would be exterminated in a short time.

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Mr. Tupper to Sir J. Pauncefote.

Dear Sir Julian,

The Arlington, Washington, March 8, 1890.

I have the honour to inclose herewith a Memorandum prepared by me in reply to the Memorandum sent to you by Mr. Blaine, and which you handed to me upon the 3rd instant.

I send you a copy for yourself, one for Mr. Blaine, and one for M. de Struve, the Russian Ambassador.

I also have the honour to forward herewith a valuable paper upon the subject, prepared hurriedly by the Assistant Director of the Geological Survey of Canada, George Dawson, D.S., F.G.S., F.R.S.C., F.R.M.S.

I may add that Dr. Dawson was in charge of the Yukon Expedition in 1887.

Copies of his paper are also inclosed for Mr. Blaine and M. de Struve.

I am, &c.

(Signed) CHARLES H. TUPPER.

Memorandum on Mr. Blaine's Letter to Sir Julian Pauncefote, dated March 1, 1890.

In the Appendix to Mr. Blaine's letter of the 1st March, on the third page, is an extract from a Report to the House of Representatives, as follows:—

"In former years fur-seals were found in great numbers on various islands of the South Pacific Ocean, but after a comparatively short period of indiscriminate slaughter the rookeries were deserted, the animals having been killed or driven from their haunts."

While it is admitted that indiscriminate slaughters upon the rookeries are most injurious to the maintenance of seal life, it is denied that in the history of the fur-seal industry any instance can be found where a rookery has ever been destroyed, depleted, or even injured by the killing of seals at sea only.

Mr. Elliott, who is quoted by Mr. Blaine, admits that the rookeries in the South Pacific withstood attacks of the most extensive and destructive character for twenty years, when young and old males and females were indiscriminately knocked on the head upon their breeding-grounds; and Mr. Clark (H. R. Report No. 3883, 50th Congress, 2nd Session, p. 91) tells us that in 1820 thirty vessels on the islands (South Shetlands) took in a few weeks 250,000 skins, while thousands were killed and lost. In 1821 and 1822, 320,000 skins were taken, and 150,000 young seals destroyed. None of these islands, however, were ever frequented by the millions which have been found on the Pribylov group for over twenty years.

"These islands constitute the most valuable rookery or breeding-place of these animals ever known to man." (H. R. Report 3883, 50th Congress, pp. 111, 112, Hon. C. A. Williams' written statement.)

Professor Elliott (in his evidence, p. 142) mentions one person who, when with him at the islands, estimated the number at 16,000,000.

The Report of the Congressional Committee on the Alaska seal fisheries states that indiscriminate slaughter in the early part of the nineteenth century caused a desertion of the rookeries, and it goes on to say that in 1820 and 1821, 300,000 were taken in an indiscriminate fashion at the South Shetlands, and, at the end of the second year, the species had there been almost exterminated.

The Honourable C. A. Williams, whose evidence is cited and relied upon by Mr. Blaine, supports this view (see p. 111, H. R. Report No. 3883, 50th Congress); but, as a matter of fact, while seals are admittedly not so plentiful in South Shetlands as heretofore, owing to wholesale destruction on the breeding-grounds, so prolific are they that, in 1872, 8,000 skins of "the choicest and richest quality were obtained from these islands. In the next season 15,000 skins were taken there, and in 1874, 10,000 skins, and from 1870 to 1880 the sealing fleet brought home 92,756 fur-seal skins from the South Shetlands, and the vicinity of Cape Horn and Tierra del Fuego." (A. Howard Clark, p. 402, Commission of Fisheries, Fishery Industries United States, section 5, vol. ii, 1887.) In this regard, it may here be noted that this extract refers only to the catch of sealers which fitted out at New London, Connecticut, and does not embrace the operations of sealers from other countries.

Mr. Clark describes the manner in which the seals at Mas-a-Fuera were attacked. At p. 407 of the article above cited he points out that between the years 1793 and 1807, 3,500,000 seals were obtained from this island by English and American vessels, and in 1824 the island was "almost abandoned by these animals." Mr. Clark also shows that in 1797 there were only 2,000,000 on the islands, and yet in seven years more than 3,000,000 were carried from the islands to Canton, China.

Mention is made, too, of fourteen ships' crews on the island at one time killing seals. At p. 408 mention is made of from twelve to fifteen crews on shore at the same time (American and English), and that "there were constantly more or less of ships' crews stationed here for the purpose of taking fur-seals' skins," from 1793 to 1807.

It is contended by the Canadian Government that a reference to the history of this island is entirely beside the contention on the part of the United States that it is necessary to keep sealing craft hundreds of miles away from rookeries in order to preserve the seal life on the breeding-grounds.

The cause of injury is the same in all the cases mentioned, and Mr. Chapel, in the Appendix to Mr. Blaine's letter, now under consideration, at p. 5 well says:—

"It is stated that at the Shetlands alone [which never equalled the present condition of the Pribylov group, mentioned by Hon. C. A. Williams, already quoted], 100,000 per annum might have been obtained and the rookeries preserved if taken under proper restrictions; but, in the eagerness of men, old and young male and female seals were killed, and little pups a few days old, deprived of their mothers, died by thousands on the beaches"—[it may here be observed that not a case of dead pups was ever found on the Pribylov group, so far as the Reports on the islands show]—"carcasses and bones strewed on the shores."

This statement, cited in the United States' Case, is direct authority for the Canadian contention. It illustrates three important points:—

1. That indiscriminate slaughter on the breeding-grounds is injurious and in time destructive.
2. That when the mothers are killed, the young pups, dying in consequence, are found on the island.
3. That Regulations of the number to be killed on the island, with careful supervision, will maintain the rookeries independently of prohibiting sealing in the waters.

The Report of the House of Representatives states:—

"The only existing rookeries are those in Alaska, another in the Russian part of Behring's Sea, and a third on Lobos Island, at the mouth of the River Plate, in South America."

The statement is incorrect. Important omissions occur, since the cases left out, when examined, show that, notwithstanding all of the extraordinary and indiscriminate slaughter of past years, it is possible, by careful supervision of the rookeries alone, and of the seals while on land, to revive, restore, and maintain lucrative rookeries.

Quoting from an extract from a Russian Memorandum respecting the hunting of seals, communi-

cated by M. de Staal to the Marquis of Salisbury, and dated the 25th July, 1888, it is found that other rookeries are by no means deserted. The extract reads as follows:—

“The places where fur-seal hunting is carried on may be divided in two distinct groups. The first group would comprise Pribylov Islands, Behring's Sea, 100,000 killed in 1885; Commander Islands (Behring and Copper Islands, 45,000; Seal Islands, Okhotsk Sea, 4,000); total, 149,000.

“The second group, the sea near the coast of Victoria, 20,000; Lobos Islands, 15,000; islands near Cape Horn and the South Polar Sea, 10,000; islands belonging to Japan, 7,000; Cape of Good Hope, 5,000; total, 57,000.”

An important omission is the case of Cape of Good Hope, in reference to which the Committee of the House of Representatives, previous to their Report, had been informed (see H. R. Report No. 3883, 50th Congress, 2nd Session, p. 114) that from the *Cape of Good Hope* Islands, under protection of the Cape Government, a yearly supply of 5,000 to 8,000 skins is derived, and that from Japan, it was stated, sometimes 15,000 and sometimes 5,000 a-year are received. These islands are now rigidly protected by the Governments of the countries to which they belong; but neither does the Government of the Cape, of Japan, nor of Uruguay, in the case of the Lobos Islands, consider it necessary to demand the restriction of the pursuit of seals in the open sea.

United States' vessels have visited the islands off the Cape of Good Hope from 1800 to 1835, and have taken on some days 500 to 700 skins, securing several thousands of skins annually. In 1830 Captain Gurdon L. Allyn, of Gale's Ferry, Connecticut, mentions finding 1,000 carcasses of seals at one of the islands, the skins of which had been taken. He landed and took seals in considerable numbers. He was again on a sealing voyage on this coast in 1834, and shot seals on the rookeries.

In 1828 a plague visited these rookeries, and 500,000 seals perished during the plague (Clark in the Report of the United States' Commission of Fish and Fisheries, 1887, section 5, vol. ii, pp. 415, 416), and yet to-day we find a renewal of the industry by Regulations applied *solely* to the rookeries, and *exclusive* of the deep-sea operations.

Upon p. 7 of the Appendix now under review, the Report of the Congressional Committee on Alaska seal fisheries refers to testimony of United States' Government Agents regarding the number of seals shot and not secured, and a calculation is referred to, to the effect that one in every seven is alone secured by the hunter who follows seals on the sea. The experience of Canadian hunters is directly opposed to this theory, and shows that a loss of 6 per cent. is all that ever takes place, while Indian hunters seldom lose one. Solemn declarations to this effect have been made under the Canadian Statute relating to extra-judicial oaths.

In confirmation of this, reference may be had to Mr. H. W. Elliott, in the United States' Fish Commissioner's Report, vol. ii, section 5, p. 489, where he says:—

“The Aleuts fire at the otter at 1,000 yards range, and that, when hit in the head, nine times out of ten the shot is fatal.”

In the case of hunting the seals, the practice of the white hunters, all expert shots, is to paddle up to the seal while asleep in the water, shoot it in the head, and at once haul it into the boat; while the Indians approach it in a canoe and spear the seal, the head of the spear separating itself and being attached to a rope by which the seal is dragged into the canoe.

Reference is made on p. 4 of the Appendix to Mr. Blaine's letter to the limitations in the lease of 1870. These conditions, it is contended, are most inconsistent with the present view of the United States regarding the danger to the preservation of seal life. With respect to this the following facts should be carefully noted:—

1. Up to 1862 no Law in Russia existed prohibiting or forbidding the killing of seals, and in that year an inoperative Law was promulgated. (See Russian Memorandum, M. de Staal to Lord Salisbury, 25th July, 1888.)

Mr. McIntyre, a Special Agent of the Treasury Department (H. R. Ex. Doc. No. 36, 41st Congress, 2nd Session, p. 18), records the catch taken from the Pribylov Islands under the Russian-American Company, as follows:—

TABLE showing the Number of Fur-seals taken by the Russians on St. Paul and St. George Islands from 1817 to 1860.

Year.	Number of Seals.	Year.	Number of Seals.
1817	60,188	1840	8,000*
1818	59,856	1841	8,000*
1819	52,225	1842	10,370
1820	50,220	1843	11,240
1821	44,995	1844	11,924
1822	36,469	1845	13,637
1823	29,873	1846	15,070
1824	25,400	1847	17,703
1825	30,100	1848	14,650
1826	23,250	1849	21,450
1827	19,700	1850	6,770
1828	23,228	1851	6,564
1829	20,811	1852	6,725
1830	18,034	1853	18,035
1831	16,034	1854	26,146
1832	16,446	1855	8,585
1833	16,412	1856	28,550
1834	15,751	1857	21,082
1835	6,580	1858	31,810
1836	6,590	1859	22,000
1837	6,802	1860	21,590
1838	6,000*		
1839	6,600*		
		Total in 44 years	765,687

* Approximative.

Referring to this Table, Mr. McIntyre says:—

"The number of seals on St. Paul Island is variously estimated at from 3,000,000 to 4,000,000, including all classes, and on St. George at about one-third as many. I think it may be safely stated that there are not less than 4,000,000 on the two islands. The Table from the records of the late Russian-American Company, appended to this Report, exhibits the number of seals taken from each island from 1817 to 1837, and from 1842 to 1860. Previously to 1817, says the late Bishop Veniamnoff, no records were kept. From the same authority we learn that during the first few years following the discovery of the islands in 1781 over 100,000 skins were annually obtained; but this, it seems, was too large a number, for the decrease in the yearly return was constant until 1842, when they had become nearly extinct; and in the next decade the whole number secured was 129,178, being in 1852 but 6,564; but from 1842, under judicious management, there appears to have been an increase, and in 1858, 31,819 were taken, which was the largest catch in any one year, until 1867, when, as I am informed, some 80,000 or 100,000 were secured, under the supposition that the territory would soon be transferred to the United States. 'The decrease from 1817 to 1838,' says Bishop Veniamnoff, 'averaged about one-eighth of the whole number annually, so that in 1834 there were produced on both islands, instead of 60,000 to 80,000, only 15,751, and in 1837, 6,802.' From the most careful computation I have been able to make, I am of the opinion that no more than 100,000—75,000 on St. Paul and 25,000 on St. George—can be annually taken without incurring the risk of again diminishing the yearly production, as we observe the Russians to have done in former years."

See also Wick, Chief of Land Service, Russian-American Telegraph Expedition, who reported in 1868 on undiminished condition of the seal fishery. (H. R. Ex. Doc. No. 177, 40th Congress, 2nd Session.)

Six million seals had been taken from this sea between 1841 and 1870. (*Vide* Dall on "Alaska and its Resources," 1870, p. 492.)

2. In 1868 Hutchinson and Morgan, the promoters and founders of the Alaska Commercial Company, and afterwards lessees of the islands, saw that, unless restrictions were imposed upon the islands, there would be ruin to the rookeries (H. W. Elliott, "Our Arctic Province," pp. 247, 248); consequently, by Act of Congress approved the 27th July, 1868, the killing of fur-seals on the islands was prohibited (W. H. McIntyre, Special Agent, Treasury Department, H. R. Ex. Doc. No. 36, 41st Congress, 2nd Session, p. 12). Notwithstanding the Act to which reference has been made, 50,000 were killed on St. George and 150,000 on St. Paul by traders in 1868 (Dall, p. 496), 100,000 in 1869 (W. H. McIntyre, H. R. Ex. Doc. No. 36, 41st Congress, p. 13).

Mr. Wardman, an Agent of the United States' Treasury at the Seal Islands, in his "Trip to Alaska," published 1884, on p. 92, says:—

"General onslaught, threatening extermination, by American vessels during the interregnum of departure of Russian and installation of United States' Governments took place."

And the same officer, in his sworn testimony given before the Congressional Committee, stated that 300,000 were killed in 1869.

3. Notwithstanding this condition of affairs, Secretary Boutwell reported in 1870 (H. R. Ex. Doc. No. 129, p. 2, 41st Congress, 2nd Session) that "if the animals are protected, it is probable that about 100,000 skins may be taken each year without diminishing the supply," and that "great care was necessary for the preservation of the seal fisheries upon the Islands of St. Paul and St. George."

So Dall, in his book on Alaska (1870, p. 496), in referring to slaughter by Russians, believed that 100,000 seals could safely be killed annually under Regulations, and Mr. Blaine, in his despatch to Sir Julian Pauncefote of the 27th January, says:—

"In the course of a few years of intelligent and interesting experiment the number that could be safely slaughtered was fixed at 100,000 per annum."

Mr. Boutwell, as will be seen on reference to his Report, was opposed to a lease, and remarked that it was necessary in any event to maintain *in and around* the islands an enlarged naval force for the protection of the same. This Report was followed by the legislation under which a lease was executed in May 1870.

4. In drawing the terms of the lease and Regulations concerning the islands the United States permitted, in the then state of affairs, the lessees to take 100,000 seals a-year for twenty years, and they were permitted to make up this number from any male seals of 1 year of age or over.

5. The natives were allowed to destroy on the islands pup seals of either sex for food, numbering in some years 5,000.

6. The 100,000 could be killed by the lessees in the months of June, July, September, and October.

Upon p. 8 of the Appendix to Mr. Blaine's note the opinion of the Committee of House of Representatives is given to the effect that the protection of the islands is not enough, but that the seals must be protected in their annual migrations to and from the rookeries, and for 50 miles south-east of the rookeries to their feeding-grounds. This is a far different proposal from that submitted by the Secretary of State, since it does not embrace the whole of the Behring's Sea, but locates the feeding-grounds, so called, within 50 miles of the islands.

The other points, on p. 8 of the Appendix to Mr. Blaine's letter to Sir Julian Pauncefote of the 3rd instant, need hardly be dealt with in discussing the necessity for a close season, reference being made therein to the sorting of the herd for killing on land so as not to kill the females. This is admittedly wise, since the killing is done 14th June when the pups are being dropped. The rest of p. 8 of Mr. Blaine's Memorandum raises the point that a seal is not a fish.

So on p. 9 testimony is cited touching the necessity for not killing females on the rookeries, when wholesale slaughter of 100,000 a-year goes on, and this is not here controverted. The opinion of Mr. Glieden, whose experience was confined to the *land operations*, regarding the proportion of seals recovered when shot in deep sea, cannot be of weight. It is, therefore, unnecessary to dwell upon the fact that he is a Government employé, giving his views in favour of his Government's contention in 1888, after the seizures of 1885 had taken place. This officer was on St. George Island from the 25th May to August in 1881 only. His opinion that an "open policy" would not preserve the value

of the seal fisheries, and that it is necessary to protect the seals in Behring's Sea, as well as on the islands, is not based upon much practical knowledge. He further stated that not much hunting was done in the Pacific.

Honourable Mr. Williams, at p. 107 of Evidence before the Congressional Committee, says:—

"Three miles beyond land (in Pacific) you do not see them; where they go no one knows."

The British Columbian sealers and the record of their catches in the Pacific for twenty years weakens the standing of these witnesses as experts.

Mr. Taylor, another witness, ascribes to the fish of Behring's Sea a very high order of intelligence. He deposes that in Behring's sea the seals eat a great many fish every twenty-four hours, and as "the fish have become well aware of the fact that there is a good many seals on the Seal Islands, they keep far out to sea." He stands alone in testifying so positively to what can, at best, be a matter for conjecture, and he fails to show he had the slightest means of ascertaining this knowledge. He further stated that the bulls remain on the islands all summer.

This is contradicted by writers and other United States' witnesses, as will be seen hereafter. It is, therefore, evident that this gentleman was testifying simply to his own peculiar theories, regarding seal life upon very limited experience. He says, at one place, that while the cows are out (and they go, he tells us, 10 to 15 miles, and even further) the sealers catch them; while, at another place, he states:—

"The sea is black with them *around the islands*, where they pick up a good many seal, and *there is where the killing of cows occurs—when they go ashore.*"

So that, evidently, he may have seen cows killed when *around the islands*, the only place at which he apparently could observe them, and he has merely conjectured the distance that they go from land and the number actually shot in deep water.

This witness "thinks there is some damage done in killing and shooting of the cows and leaving so many young without their mothers." There would be less doubt respecting the cows being shot or lost if it was satisfactorily shown that large numbers of young pups were found dead in the rookeries. The witness, if able, would have certainly pointed to this. The reverse, however, is the fact; and, with the exception of one witness before the Congressional Committee, whose evidence will be examined again, not an Agent of the Government nor a writer ever stated that pups were found dead in any numbers on the islands from loss of mothers; the fact being that mothers never go far from their young until the young are well able to care for themselves. This witness, notwithstanding his allusion to supposed damage by the killing of mothers, the killing of cows by vessels in shore—where the sea is black with them—had to admit, "the number of seal, in the aggregate, is not apparently diminished." His knowledge is confined to one year (1881), and we have better and undisputed testimony that long after this a great increase had taken place—an increase of millions. Mr. Taylor, it should be observed, however, gave other testimony than that quoted by Mr. Blaine. He said that—

"These predatory vessels are generally there (in Behring's Sea) in the spring of the year, when the cows are going to the island to breed; . . . most of the seals that are killed by these marauding vessels are cows with young."

He estimates the number taken in 1881 at from 5,000 to 8,000.

"These vessels will take occasion to hang around the islands, and when there is a heavy fog to go on the rookeries very often."

The chief damage, according to Mr. Taylor, is not the killing of mothers out at sea when their young are on shore depending upon the return of *their mothers*, as is contended, but it is due, he says, to the insufficient protection of the island. This can, as will be pointed out, be remedied if the suggestions of Government Agents are acted upon in the line of better police guarding of the rookeries.

Mr. Williams' testimony is next referred to on p. 10 of the Appendix to Mr. Blaine's letter. This gentleman was engaged in the whaling business for forty years (p. 73 of Evidence before Congressional Committee). As regards fur-seals, his knowledge is not based upon experience, but "from reading and from conversation with my captains" (p. 73). He was called by request of attorney for the Alaska Commercial Company, of which Mr. Williams was a stockholder.

No importance, it is submitted, can be attached to his testimony regarding the habits and nature of the seal after such a frank confession.

His evidence that females in pup mass together in the sea before landing may therefore be dismissed, since he does not produce any authority for a statement which is contradicted by expert testimony. Neither in his statement that hunters admit that out of eight shots they would save one seal only correct.

On pp. 11 and 12 of the Appendix Mr. Williams naturally gives his view for holding the control over seal life in Behring's Sea. It is not denied that every lessee of the Pribylov group would agree entirely with him in this. It may be remarked that he does not share the theory of the United States that the chief danger lies in killing the mothers when out in the deep sea for food, having left their nurslings on shore.

At pp. 10, 11, and 12 of the Appendix Mr. Williams is quoted to show that the danger to the females lies in the journey through the Aleutian Islands, with young, to the breeding-grounds. On p. 90 of his Evidence before the Committee, he illustrates the ineffective means of protecting the rookeries by stating:—

"Last fall a schooner landed at one of the rookeries and killed seventeen cows and bulls right on the breeding-rookeries."

Again, at p. 106, he says:—

“That the present measures are somewhat insufficient is shown by the fact that for the last three or four years there have been increased depredations annually upon the rookeries.

“A revenue-cutter goes upon the grounds and then is ordered north for inspection, or for relief of a whaling crew, or something of that kind, and they are gone pretty much the whole time of the sealing season, and there appears to be insufficiency of the method of protection.”

On p. 108 he says:—

“They shoot them as they find them. . . . A vessel can approach within less than half a mile or a quarter of a mile of the island and not be seen (on account of fog), and can send her boats on the beaches and get off fifty or a hundred skins before the inhabitants can find it out.”

Evidently Mr. Williams does not consider the shooting of females far from land is much indulged in, as he insists that the damage is done inshore, where no police protection is enforced.

The history of the rookeries given on pp. 12, 13, and 14 of the Appendix has been dealt with already in this paper.

On pp. 14 and 15 of the Appendix an article on fur-seals, from “Land and Water,” written in 1877 by a Mr. Lee, is referred to.

He merely alludes to the indiscriminate slaughter which was practised on the rookeries, which no one defends or justifies.

Mr. McIntyre, Superintendent of the seal fisheries of Alaska for the lessees, is then brought forward by Mr. Blaine.

This gentleman went to the island as a Government Agent to inspect the operations of the Company. His Reports were favourable to and highly eulogistic of the Company, and they were immediately followed by his resignation as a Government official and his appointment to a lucrative position under the Company.

His testimony is naturally more in favour of the Company and of the Government's contention, which is so directly in the interest of the Company, than the testimony of any other witness.

He thinks only one-fifth of the seals shot are recovered, and his reason is that he has found seals with bullets in their blubbers on the islands. He attributes a deficiency in the number of seals in 1888 to the fact that cows were killed. He mentions that if cows are killed in August, and their young deprived of their mothers' care, the young perish. The young perish also if the mother is killed before they are born. In this way he endeavours to represent such a practice obtains, but it is to be borne in mind that he does not go so far as to say that pups are found dead on the islands in any number. When this officer was reporting on the operations of the Company, and before the present contention was raised, he gave a glowing account of the increasing numbers of seals at the islands, as will be shown; but at p. 116 of the evidence before the Congressional Inquiry he labours to reduce the estimates of both Elliott and Dall by one-third or one-half. He concludes that the number of seals has largely decreased in the last two years (1887 and 1888). The Company, however, killed their 100,000 in each of these years. The Government had the discretion to reduce the limit. The Government did not deem it necessary to do so. The number, this witness says, was increasing until 1882, and then other parties began the killing of seals, especially since 1884. All this told upon the rookeries, and, he added, “a considerable percentage” of the killing was made up of male seals (Evidence, p. 117).

Mr. McIntyre attempted to count the catch in 1886 and in 1887, and stated that 40,000 skins a-year were taken, nearly all in Behring's Sea water, and in a few instances by raids on the land. How he obtained this information is not shown. From his position on the Island of St. Paul during all that time his statement is obviously a mere surmise.

He could only know *personally* of the catch from raids which were made on the island in 1886 and 1887, and which were due to ineffective protection of the islands. After telling us that a large percentage of the catch of the marauders was made up of adult males, he entirely forgets this, as we find him saying (at p. 118):—

“A majority of the skins taken by marauders, in fact 80 or 90 per cent., are from females.”

It is submitted that this witness, whose interest on behalf of the Company (the lessees) is shown in his confession that it was at times necessary, in order to control the price in the markets, for the Company to take less than 100,000 seals (Evidence, p. 121), has not strengthened his testimony on the main point by speaking positively to the following, which could only have been known to him by hearsay:—

(a.) Russia destroyed marauding vessels.

(b.) A British vessel, in 1887, took 450 seals in Behring's Sea, secreted them on a small island, left them, and returned to the sea for more.

(c.) Marauders kill 100,000 each season.

(d.) It is not true that vessels are seized when pursuing legitimate business.

He goes on to say that for the first fifteen years of the Company's lease, viz., from 1870 to 1885, the lessees were unmolested (p. 129), which statement has been shown to be incorrect. He observed that since 1882, and especially since 1884, other parties have been destroying seals, “reducing the equilibrium of the sexes.” As will be submitted hereafter, he has been contradicted in regard to this by expert writers, historians, travellers, and Agents of the United States' Government.

Mr. H. W. Elliott, whose experience is limited to 1872, 1874, and 1876—when, as Mr. McIntyre says, no injury was done by marauders—is next referred to by Mr. Blaine (p. 16 of Appendix). He is referred to as a member of the Smithsonian Institute; he was also a Special Agent of the Treasury.

The following are extracts taken from a “Report upon the Customs Districts, Public Service, and

Resources of Alaska Territory, by W. L. Morris, Special Agent of the Treasury Department, 1879":—

"In the November number of 'Harper's Magazine,' 1877, appears an article entitled 'Ten Years' Acquaintance with Alaska, 1867-77.' The authorship is correctly ascribed to Mr. Henry W. Elliott, now connected with the Smithsonian Institution in sub-official capacity. This gentleman was formerly a special Agent of the Treasury Department, under a special Act of Congress, approved 22nd April, 1874, appointed for the purpose of ascertaining at that time the condition of the seal fisheries in Alaska, the haunts and habits of the seal, the preservation and extension of the fisheries as a source of revenue to the United States, with like information respecting the fur-bearing animals of Alaska generally, the statistics of the fur trade and the condition of the people or natives, especially those upon whom the successful prosecution of the fisheries and fur trade is dependent.

"This Report of Mr. Elliott will be further noticed hereafter, and, upon the threshold of criticizing anything he has written upon Alaska, occasion is here taken to give him full credit for his valuable contribution in regard to fur-seals. It is to be regarded as authority and well conceived. The views of Mr. Elliott, however, in reference to other matters of moment in the Territory, are so diametrically opposed and antagonistic to my own that I feel constrained to review some of his statements, glittering generalities, and the wholesale method with which he brushes out of existence with his facile pen and ready artist's brush anything of any essence of value, light, shade, or shadow in the broad expanse of Alaska that does not conform precisely to the rule of investigation and recital laid down by himself, and which contradicts his repeated assurances that outside of the Seal Islands and the immediate dependencies of the Alaska Commercial Company there is nothing in Alaska.

"This magazine article bears a sort of semi-official indorsement, its authority is not denied, and with this explanation for using the name of Mr. Elliott in connection therewith, a few of its crudities and nudities will be noticed:—

" 'The Sense-keeper of Alaska.

" 'So little is known about Alaska that whenever anything comes up in Congress relating to it information is sought wherever it can readily be found. The "informant" is ever on hand, with his work on fur-seals comfortably tucked underneath his left arm, to impart all the knowledge extant about the country, "for he knows more about Alaska than any man living."

" 'A decade has passed since we acquired this Territory, and for a decade it has afforded employment and subsistence for its present sense-keeper; but the next decade is warming into national existence, and it is about time this bubble was pricked and the bladder not quite so much inflated.

" 'I am fully aware of all the consequences to be dreaded, the responsibility assumed, when rash enough to dispute the heretofore self-established authority from the Arctic Ocean to the Portland Canal.'

" 'This man seems to be the natural foe of Alaska, prosecuting and persecuting her with the brush of the pencil and the pen of an expert whenever and wherever he can get an audience, and I attribute the present forlorn condition of the Territory to-day more to his ignorance and misrepresentation than to all other causes combined. He is accused of being the paid creature and hired tool of the Alaska Commercial Company, and belonging to them body and soul. I have made diligent inquiry and ascertain he is not in their employ, and, furthermore, they repudiate the ownership. They should not be held responsible for the indiscreet utterings of the sense-keeper, notwithstanding the charge of ownership might cause him to be more readily listened to.

" 'Doubtless when they have been attacked through the columns of the press they have employed this individual, who is unquestionably possessed with the *cacoethes scribendi*, to reply to unjustifiable onslaughts, and paid him for it as they would any other penny-liner who makes literature and writing for the press his profession."

His evidence in 1888 is open advocacy of the United States' contention. His writings and Reports prior to the dispute will be referred to, and it will be submitted that his statements and experiences before 1888 hardly support his later theories. His statement on p. 17 of the Appendix, that wounded seals swim away to perish at a point never to be seen again, is contradicted by the last witness, Mr. McIntyre, who picked handfuls of buckshot, &c., out of seals clubbed on the islands. His theory of the difficulty of shooting seals is contrary to the known practice of the hunters to creep upon the seal as it lies floating in the calm waters of the sea, and by his own testimony before quoted, of the unerring aim of the Indian hunters.

Mr. Tingle, an Agent of the Treasury, in charge of the fur-seal islands from April 1885 to August 1886, is quoted by Mr. Blaine (Appendix, p. 17).

Mr. Tingle is not able to go so far as Mr. McIntyre, although he was at the islands in 1886 (Evidence, p. 153), but he stated "there has been a *slight* diminution of seals, probably." He estimated 30,000 were taken by marauders, and to do this he guesses that 500,000 were killed. This gentleman, as an Agent of the Treasury, was confined to the islands during his tenure of office (Evidence, p. 153).

He bases his contention on the log of a marauding schooner which fell into his hands. This log was, it may be remarked, not produced, and no excuse is given for withholding it. He produced what he said was a copy. As his opinions are based upon this curious statement, his testimony can hardly be seriously pressed. He testified to insolence of sealers when seized, though he does not appear to have been present at any of the seizures. The log-book, it should be observed, is said to have belonged to the "Angel Dolly."

This is not the name of a Canadian sealer, and it may here be stated that no Canadian sealer has ever been found within the 3-mile limit. The operations on the schooner "Angel Dolly" must have been rather expensive, and they do not corroborate the allegation that large catches were made, since 300 rounds of ammunition (Mr. Tingle said) were wasted for the capture of one seal.

Another supposed entry in the log is most extraordinary for the captain of a sealer, under any circumstances, to make. The statement referred to is as follows:—

"It is very discouraging to issue a large quantity of ammunition to your boats and have so few seals returned."

There is not a Magistrate's Court in the country that would listen to this oral testimony as to the contents of a log. A reference to this pretended log—a copy of a portion thereof only being produced by Mr. McIntyre (p. 332 of Evidence)—shows that the captain had an exceptionally bad crew. The captain described them in the following terms: "The hardest set of hunters in Behring's Sea;" he "never will be caught with such a crowd again; they are all a set of curs." The captain added, however, that if "we only had hunters, we would be going home now with 1,500 skins at the very least;" and from the log it would appear that he had no regular hunters on board.

It is worthy of remark that the statements made by Mr. Tingle respecting the entries in this alleged log are not confirmed by an inspection of the transcript Mr. McIntyre produces (on p. 332 of Evidence).

Mr. Tingle contradicts Mr. McIntyre regarding the number of seals on the island. He states (p. 162, Evidence) that there had been an increase of seals since Mr. Elliott's count in 1876 of

2,137,500. He expressed natural astonishment (p. 163) at the statement of Mr. Elliott regarding a decrease. He says:—

"I am at a loss to know how Mr. Elliott gets his information, as he had not been on the islands for fourteen years."

Pushed by the Chairman of the Committee by the following question, viz., "It is Mr. McIntyre's opinion that they have not only not increased, but have decreased," the witness, in reply, stated that "there has been a *slight* diminution of seals, *probably*."

The next authority quoted by the United States is William Gavitt, a Special Agent of the Treasury at St. George Island from May 1887 to August 1888. The evidence of this witness is not referred to at any length by Mr. Blaine. The witness testified before the Congressional Committee, however, that the employes of the Company (the lessees) did not respect the laws of God or man. He named particularly Mr. Webster, Dr. Luty, John Kirk, and John Hall (p. 180). And he added that the rules of the Company were violated. The Committee handled this witness rather roughly, Mr. Jeffries saying to him (p. 188):—

"You had better understand what you are talking about."

On p. 191 he rebukes other officers of the Treasury who had testified positively to matters without the means of knowledge. The witness was asked:—

"What was the result of your observations and opinions that you deem reliable in respect to the unlawful killing of seal annually?"

The witness answered that—

"We have *no means* of knowing that."

He was then pressed in this way:—

"It is a mere matter of estimate, of course, but I wish it based upon as reliable information as you have."

When the witness said—

"I think the first season the revenue-cutter captured 15,000 stolen skins (p. 191); where they were stolen, *whether in the sea or out of it, no agent could truthfully say*."

He also showed that the lessees of the islands were not so particular as other Agents pretend, when he tells us (p. 191) that they bought from the natives at Ounalaska 5,000 seals killed by them, there (p. 196). The United States puts forward this officer as a reliable witness, and it is, therefore but fair to attach importance to a statement which weakens the force of the *ex parte* statement and opinion of the Special Agents sent from time to time to the islands, and who have now been brought forward on behalf of the United States as witnesses in support of a case which concerns not merely the Government, but most directly the lessees. The witness stated that one of the employes of the Company told him that when a Government officer came there and got along with the Company it was profitable. Upon being asked by the Committee, before whom he was giving evidence, to explain, he replied that—

"A man could draw two salaries, like Mr. Falkner and Judge Glidden, one from the Government and one from the Company" (p. 191).

Mr. Moulton's evidence is next presented (p. 19 of Appendix). He was a Government Agent from 1877 to 1885. He said that there was an apparent increase during the first five years, *i.e.*, to 1882, then a decrease to 1885 (Evidence, p. 255). In this statement he has been contradicted by official Reports, as will be shown.

The witness admits, however, that female seals, after giving birth to their young, *scatter* out in Behring's Sea; and he is of opinion that lawless hunters kill all they find, and that they find mothers away from their nurslings. No special reason for this opinion is given, however.

A sailor, Edward Shields, of Vancouver, formerly on the sealing-schooner "Caroline," is said to have testified, where and when it is not stated (p. 20 of Appendix to Mr. Blaine's letter), that in 1886 out of 686 seals taken by the "Caroline" the seals were chiefly females. Upon this, it may be said that it is the custom among hunters to class all seals the skins of which are the size or near the size of the female as "females," for their guidance as to the quality of skins in the catch. It may also be remarked that it does not appear that these females were in milk, and this is always known when skinning the seal. "Dry cows" are caught, as has been admitted, and taking this evidence, given *ex parte* as it was, it is at best, if true, an exceptional case in a very small catch.

Mr. Glidden was recalled by the Committee, and explained that his estimate of 40,000 skins was based on newspaper reports of the catch of the sealers. He was, of course, unable to show how many of these were taken near the Aleutian Islands, in the North Pacific, or on the west coast of British Columbia, or in the Puget Sound, but he evidently credits the whole estimated catch to Behring's Sea. Consequently he was of opinion that sealing in Behring's Sea should be ended, to lead to the better preservation of seal life.

It is to be observed that not one of these witnesses, whose opinions are relied upon both as to the catch, the habits, and sex of the seal in deep water and the method of shooting, &c., has had any experience as a hunter or with hunters. They were not experts. They were sent to the islands to see that the lessees performed their obligations as covenanted in the lease. The experience of most of them was limited to a few years' residence on the Seal Islands, associated with and under the natural influence of a Company admittedly a monopoly and desirous of restricting the catch so as to control the market of the world as far as seals are concerned.

None of the witnesses were, moreover, submitted to a cross-examination, and they were to a large

extent led by the examiners in the questions put to them. The only facts that were possibly within their knowledge relate to seal life on the islands, to the mode of killing, and to the times when killed there, and to their habits when in and upon the rookeries.

The opinions of the gentlemen given before the Congressional Committee in 1888, for the most part, though sometimes contradictory, are in favour of the under-mentioned theories :—

1. That the female seals while nursing their young go great distances in search of food.
2. That when out a great distance female seals are shot, and the pups on shore are lost for want of their mothers' care.
3. That the greater part of the catch in Behring's Sea is made up of female seals.
4. That the destruction of the seals when hunted on the sea is great in consequence of many wounded seals being lost.

All of these opinions are put forward in support of the main proposition of the United States, viz., that since 1882, and especially since 1884, the number of seals usually collecting on the breeding-ground has constantly diminished.

The Canadian Government joins issue upon this, and the counter-assertion is made that there has been no appreciable diminution of seals frequenting the rookeries, and it is claimed that the seals are more numerous and more valuable upon the rookeries to-day than ever in their previous history; that this is the fact notwithstanding the rookeries have been for twenty years practically unprotected from frequent and most dangerous raids upon the actual breeding-grounds, and many other injuries, all within the control of the Government of the United States, as hereinafter specified.

The Canadian Government asserts that the seal life upon the islands cannot only be maintained, but greatly increased by the adoption on the part of the United States of—

1. An efficient means for the patrol and protection of the islands.
2. By the prohibition of the killing of pups by the natives for food.
3. By reducing the number of yearling seals to be killed by the lessees.
4. By not permitting any killing of seals upon the islands, excepting in July, August, and September.
5. By preventing the Aleuts from killing seals on their migration through the Aleutian Islands on their way to and from the breeding-grounds.

In Mr. Blaine's despatch to Sir Julian Pauncefote of the 27th January, 1890, he proceeds upon a somewhat different ground than the evidence already reviewed, in order to show the necessity for prohibition of sealing in the waters of Behring's Sea.

The *ex parte* evidence before the Congressional Committee satisfied that Committee that "the present number of seals on St. Paul and St. George Islands has materially diminished during the last two or three years," viz., from 1886 to 1889, while Mr. McIntyre, whose evidence is so much relied upon by the United States, dates the decrease from 1882.

Mr. Blaine, however, adopts the view that the rookeries were in prime condition and undiminished until 1885, when, as he says, Canadian sealers made their advent into Behring's Sea and the injury began.

It is therefore important to point out that the operations of the Canadian sealers were absolutely harmless compared with the numerous depredations upon the islands for the last century, which, however, have not yet begun to affect the value and number of seals on these wonderful rookeries.

Already evidence has been cited in this paper establishing the fact that extraordinary slaughter occurred prior to 1870, and that after all this, when the total number of seals on St. Paul and St. George Islands was admittedly less than now, it was deemed safe to permit 100,000 male seals of 1 year or over to be killed annually for twenty years, &c.

In 1870 Collector Phelps, of San Francisco, reported :—

"I am assured the entire number taken south of the Islands of St. George and St. Paul will aggregate, say, 10,000 to 20,000 per annum." (H. R. Ex. Doc. No. 35, 44th Congress, 1st Session.)

The Acting Secretary of the Treasury Department, in September 1870, gave permission to the Company to use fire-arms for *protection of the islands against marauders*. (H. R., 44th Congress, 1st Session, Ex. Doc. No. 83, p. 30.)

In 1872 Collector Phelps, to Mr. Secretary Boutwell, reports expedition fitting out in Australia and Victoria for sealing in Behring's Sea with the object of capturing seals on their migrations to and from St. Paul and St. George Islands. Secretary Boutwell did not consider it expedient to interfere with these operations if they were carried on 3 miles from land.

In 1874 Mr. Secretary Sawyer, writing to Mr. H. W. Elliott, referred to British vessels taking fur-seals in United States' waters and to the seals becoming more numerous.

In 1875 Mr. William McIntyre, an Assistant Agent of the Treasury, describes having been told that the crew of the schooner "Cygnet," as she lay at anchor in Zapadne Bay in 1874, were shooting seals from the deck, skinning them, and throwing the carcasses overboard, which was alarming the seals and driving them from their breeding-grounds. And he said :—

"I wished to give the captain of the vessel timely warning before proceeding to harsh measures. I had armed the natives with the intention of repelling by force any attempts to kill seal on the rookeries or within rifle-shot of the shore, if the crews still persisted in doing so after the receipt of my letter to the captain."

He described the operations of the "Cygnet" under the cliff near the rookery, which alarmed the seals so that they left the rookery in large numbers. (Ex. Doc. No. 83, p. 124, 44th Congress, 1st Session.)

This vessel is again reported by Special Agent Bryant in 12th May, 1875. (Ex. Doc. No. 83, p. 125, 44th Congress, 1st Session.)

From 1874 to 1878 Mr. F. J. Morgan, Attorney for the Alaska Company, was on the islands during the years 1868, 1869, and from 1874 to 1878. He speaks of several raids upon the islands in

his time, and he says the whole question is *one or more cruizers to protect the rookeries on the islands.* (H. R. Ex. Doc. No. 3883, 50th Congress, pp. 58, 71, 109.)

In 1875 the evidence of Darius Lyman contains the following information. (Report, Committee Ways and Means, House Report No. 623, 44th Congress, 1st Session.)

Answering Mr. Burchard as to what he knew about the seizure of the "San Diego," Mr. Lyman replied:—

"There was a seizure made of the 'San Diego,' a schooner, near St. Paul Island, on the 27th July last (1875), on board of which were 1,660 fur-seal skins. The 'San Diego' was sent down to California, and arrived there in August."

On p. 73 of the same Report, Mr. Elliott, in answer to Mr. Chapin, says that the skins taken from the "San Diego" were from *Otter Island*, one of the leased group.

In 1880 Mr. McIntyre reported the estimated annual slaughter of 5,000 pregnant females on the British Columbia coast.

From Reports of Special Agent Ottis and Captain Bailey respecting the people of Alaska and their condition (Senate Ex. Doc. No. 132, 46th Congress, 2nd Session, vol. iv, p. 4), Captain Bailey says:—

"During April and May all the coast Indians, from the mouth of the Straits of Fuca to the north end of Prince of Wales Island, find profitable employment in taking fur-seals which seem to be making the passage along the coast to the north, being probably a portion of the vast number that finally congregate at the Seal Island later in the season. I am informed by the Indians that most of the seals taken along this coast are females, and their skins find a market at the various Hudson Bay posts."

On p. 34 of the same Report, in a list of the vessels boarded, he gives the United States' schooner "Loleta," Dexter master, seized at the Seal Islands by Special Agent Ottis.

In a Report by Special Commissioner Ivan Petroff in the year 1880, he says:—

"As these seals pass up and down the coast as far as the Straits of Fuca and the mouth of Columbia River, quite a number of them are secured by hunters, who shoot or spear them as they find them asleep at sea. Also small vessels are fitted out in San Francisco, which regularly cruise in these waters for the purpose alone of shooting sleeping seal." (H. R. Ex. Doc. No. 40, 46th Congress, 3rd Session, vol. xviii, p. 65.)

At p. 61 of the same Report this officer speaks of the natives securing 1,200 to 1,400 young fur-seals *in transitu* through Oonagla Pass.

Special Agent D. B. Taylor, in 1881, states that the Company was powerless to protect the islands, but that *if a harbour was built and a steam-launch stationed at each island they could be protected.* He states that vessels go to the islands and kill 10,000 to 15,000 a-year, and that 100 vessels have been prowling about these islands for twenty years. (H. R. Ex. Doc. No. 3883, 50th Congress, p. 58.)

Mr. Treasury Agent H. A. Glidden, who was on the islands from 1882 to 1885, shows that the trouble is at the islands. The hunters go there on moonlight nights. He stated that he took possession of a vessel while the crew were on shore killing seals. The Government, he goes on to say, did not keep vessels there in his time, and he recommended that a revenue-cutter should be kept there to guard the islands. (H. R. Ex. Doc. No. 3883, 50th Congress, p. 28.)

Prior to the decision of the United States to arrest vessels outside the 3-mile limit in Behring's Sea experience had shown that the police force at the islands could not protect them from raids. This is illustrated in a letter from the Secretary of the Treasury, Mr. W. McCulloch, dated the 24th February, 1885, wherein he recommends that 25,000 dollars be obtained for the protection of seals and the enforcement of the laws:—

"The seal fisheries," he states, "yield annually to the Government a revenue of about 300,000 dollars. The islands on which the seals are taken are protected from incursions of marauding vessels alone through the cruising of the revenue-cutters. Last year the officers of the 'Corwin' seized a schooner engaged in taking seals unlawfully. Without the use of cutters the fur-seal industry has no protection."

The letter closes by asking for 25,000 dollars "in the Estimates for next year." (H. R. Ex. Doc. No. 252, 48th Congress, 2nd Session, vol. xxix.)

September 1, 1884, the Hamburg schooner "Adèle" was seized for violation of section 1956, Revised Statutes, United States.

In 1884 Captain McLean, master of the schooner "Mary Ellen," was in Behring's Sea from the 8th July to the 22nd August. He took 2,007 seals, and was not interfered with. (See his declaration under Act for the Suppression of Extra-judicial and Voluntary Oaths.)

Mr. George Wardman, an officer of the United States' Government, was at the Seal Islands May 1885. He was also there in 1879, and, in addition to his evidence before the Congressional Committee, he has reported to his Government, and has written a book upon Alaska and Behring's Sea, "Wardman's Trip to Alaska," published in 1884. At p. 116 of this is given an account of the raiding of Otter Islands, and the consequent request for a revenue marine guard at that place during the sealing season, which was granted.

In 1885 Captain McLean again visited Behring's Sea in the "Mary Ellen." He was there from the 4th July to the 3rd September. He took 2,300 seals, and was not interfered with.

Captain Healy, in reporting on the cruise of the "Corwin" in the Behring's Sea, in 1885, when speaking of the seal fisheries, said:—

"During the year quite a number of vessels have raided Alaskan waters for seals and other fur-bearing animals." (H. R. Ex. Doc. No. 153, 49th Congress, 1st Session, vol. xxxii.)

In 1886 the Governor of Alaska, in his Report for that year (p. 45), states that an indiscriminate slaughter was carried on *previous* to the seizures of 1885.

In 1886 Special Agent Tingle, to Secretary Fairchild, congratulated the Government on the arrest of the "San Diego," which he called "an old offender." "This," Mr. Tingle remarked, "will do much

to break up marauding business *around the islands.*" He further urged the Government to keep a cutter *about the islands* from the 1st July to the 1st November.

The above references, it is submitted, establish conclusively the defenceless condition of the islands from the depredations of the marauders or poachers upon the rookeries (not one being a Canadian) ever since the islands came into the possession of the United States.

Mr. Blaine, in his despatch of the 27th January, 1890, remarks that—

"Proceeding by a close obedience to the laws of Nature, and rigidly limiting the number to be annually slaughtered, the Government succeeded in increasing the total number of seals and adding correspondingly and largely to the value of the fisheries."

And in the same despatch he speaks of the profitable pursuit of this business down to the year 1886.

To show that at the present time the value of the islands is greater and their condition is better than ever, it is only necessary to observe that while the late lessees paid to the Government of the United States an annual rental of 50,000 dollars in addition to 2 dol. 62½ c. per skin for the total number taken, the offers, when the islands were put up for competition in 1890, were enormously exceeded, as will be seen on reference to a schedule of the proposals submitted to the United States' Treasury Department in response to the advertisements of the Treasury inviting offers for the privileges, dated the 24th December, 1889, and the 20th February, 1890.

Upon reference to the evidence before the Congressional Committee (H. R. No. 3883, 50th Congress, 2nd Session), it will be seen that "the Government now, *without any care or risk*, gets 317,000 dollars a-year for the lease." And at p. 99 of the same Report it is stated that the annual income from skins to the Government was 512,736 dollars, and that in sixteen years the United States' Government received from the Alaskan fur-seal industry 8,203,776 dollars.

It is further stated that the Government had then already been repaid the capital sum paid for the whole Territory of Alaska, and more, with "her many varied, and, as I believe, incomparably great national resources, to represent the investment of capital first made."

"Fifth.—*The Receipts and Expenses of the Government on account of said Contract.*

"The total amount paid by the lessees on account of said contract up to the 30th June, 1888, inclusive, was 5,597,100 dollars. The total amount expended by the Government during the same period was about 250,000 dollars for salaries and travelling expenses of Agents of the Treasury Department at the Seal Islands, and about 150,000 dollars for the revenue-cutters cruising Alaskan waters.

"To the amount already received direct from the Company should be added the sum received by the United States from customs duties on Alaskan-dressed sealskins imported from Europe, amounting to 3,426,000 dollars, to which should be added the sum of 502,000 dollars customs duties on imported sealskins taken by said Company under its contract with Russia, making an aggregate amount received by the Government on account of this industry of 9,525,233 dollars, being 2,325,233 in excess of the amount paid to Russia for the Territory." (Report of Congress, 1888.)

It can now be shown how marvellous has been the increase of seals on these islands, notwithstanding the absence of the protection to the rookeries and 3-mile limit, whether around the islands or at the different passes in the Aleutian range, where the breeding seals in pup go twice a-year.

In 1869 Special Agent Bryant estimated the number of seals to be as follows (41st Congress, 2nd Session, No. 32, Senate, p. 7):—

" On St. Paul Island	..	..	..	..	..	..	..	1,152,000
On St. George Island.. .. .	..	..	..	..	..	..	..	576,000
Total	..	..	..	..	..	..	..	1,728,000

In 1874 Mr. Elliott, after examination, estimated the number of seals to be:—

" On St. Paul Island	..	..	..	..	..	..	..	3,030,000
On St. George Island.. .. .	..	..	..	..	..	..	..	163,420
Total	..	..	..	..	..	..	..	3,193,420

exclusive of non-breeding seals, and adding those to the estimate of Mr. Elliott just quoted, he himself said that the total would reach 4,700,000.

In 1884, long after the period when Mr. McIntyre stated that the seals were decreasing—as he said since 1882—Mr. Wardman, when writing from the islands, tells us—

"The number of seals is steadily increasing." ("A Trip to Alaska," p. 93.)

Mr. H. A. Glidden, an Agent of the Treasury from 1882 to the 8th June, 1885, an authority quoted by Mr. Blaine in support of the United States' contention, told the Congressional Committee in 1888, in replying to the question, "What do you say about the increase or diminution of the number of seals on the rookeries of St. Paul and St. George?"

"I did not notice any change. . . . I could not see any particular difference. They come and have their young and go away. The period of gestation is eleven months, and then they come back in the spring following. They are there during the season in countless numbers." (Evidence before Congressional Committee, p. 27.)

Mr. George R. Tingle, a Special Agent of the Treasury, gave his evidence before the same Committee, and he is put forward by Mr. Blaine in support of the United States' contention. (Appendix to Mr. Blaine's letter to Sir Julian Pauncefote, March 1, p. 17.)

Confirming Mr. Glidden's opinion, as above quoted, Mr. Tingle said:—

"From Mr. Elliott's statement I understand that there are no more seals *now* than there were in 1872. I am at a loss to know how Mr. Elliott got his information, as he had not been on the islands for fourteen years."

The same Mr. Tingle, in 1887, reported to Secretary Fairchild that:—

"He found the lines of occupancy extending beyond those of last year, and the cows quite as densely packed on the ground on most of the rookeries, whilst on two rookeries there is some falling-off. *It is certain*, however, this vast number of animals, so valuable to the Government, are still on the increase. The condition of all the rookeries could not be better." (Appendix to Report, Congressional Committee, 1888, p. 359.)

In a Report of the Alaska Commercial Company (13th December, 1887) it is stated that Mr. George R. Tingle, the Agent appointed by the Secretary of the Treasury, substantially confirms Mr. Elliott in his view referred to above, excepting that, upon a careful survey by himself in 1886, he estimated that the fur-seals upon the two islands had increased in number about 2,000,000 up to that time. Mr. Tingle's estimate for 1886 is 6,537,750 (H. R. Ex. Doc. No. 31, 50th Congress, 1st Session), and in December the Alaska Commercial Company, in their Report, said that the seals were on the increase.

The latest definite information appearing in the United States' documents regarding the condition of the rookeries is contained in the Report of Mr. Tingle, who, as Special Agent of the Treasury Department, wrote from St. Paul Island, Alaska, the 31st July, 1888, as follows:—

"I am happy to be able to report that, although late landing, the breeding rookeries are filled out to the lines of measurement heretofore made, and some of them much beyond these lines, showing conclusively that seal life is not being depleted, but is fully up to the estimates given in my Report of 1887."

From the above United States' officials it is clear that, with only partial protection on the islands, the seals have increased in an amazing degree. These islands, containing in 1874 the largest number of seals ever found in the history of sealing at any place, contain to day a more astounding number.

When the number was less than half of what it is at present, Lieutenant Washburn Maynard, of the United States' navy, was instructed to make an investigation into the condition of the fur trade of the Territory of Alaska, and in 1874 he reported that 112,000 young male seals had been annually killed in each year, from 1870 to 1874, on the islands comprising the Pribylov group, and he did not think that this diminished the numbers. Lieutenant Maynard's Report (44th Congress, 1st Session, H. R. No. 43), as well as that of Mr. Bryant in 1869 (Ex. Doc. No. 32, 41st Congress, 2nd Session), largely supports the contention of the Canadian Government respecting the productiveness of the seal and their habits during the breeding season.

It is not denied that seals enter Behring's Sea for the purpose of resorting to the islands to propagate their species, and because the immense herd is chiefly confined to the islands for this purpose during the breeding season it is that the seals have so constantly increased.

Notwithstanding the lax efforts on the part of the United States to guard or patrol the breeding islands, the difficulty of approaching the rough coasts thereof, the prevalence of fogs, and other causes, have, in a large degree, prevented too destructive or too numerous raids being made upon the rookeries.

The Canadian Government contends that while seals in calf are taken on and off the coasts of British Columbia and California, and also during their migrations near the Aleutian Islands by Indians and Aleuts, the bulk of the seals taken in the open sea of that part of the Pacific Ocean called Behring's Sea are bulls, both old and young,—but chiefly young—and that most of the cows, when taken, are known as "dry cows," *i.e.*, cows that have nursed and weaned their young, or cows that are barren, or those that have lost pups from natural causes.

It must also be noted that there are more females than males in a herd of seals. ("Trip to Alaska," Wardman, p. 94.)

The position taken by the Canadian Government is supported—

1. By the history of the rookeries as above given and the great increase shown, despite the constant killing and raids upon the islands during the past century.

2. By the fact that the old bulls that have been able to hold their position on the rookeries go into the water at the end of the rutting season, between the 1st and 10th August. (H. R. Ex. Doc. No. 83, 44th Congress, 1st Session, Appendix, p. 132.)

Mr. Clark, on the Antarctic seal fisheries, in "The Fisheries and Fishery Industries in the United States," 1887, pp. 423, 424, says:—

"In very stormy weather, when they (the seals) are driven into the sea, they are forced to betake themselves to the sheltered side of the island, hence the men find that stormy weather pays them best. Two or three old males, termed 'beach-masters,' hold a beach to themselves and cover it with cows, but allow no other males to haul up. The males fight furiously, and one man told me that he had seen an old male take up a younger one in his teeth and throw him into the air. The males show fight when whipped, and are with great difficulty driven into the sea.

"They are sometimes treated with horrible brutality. The females give birth to the young soon after their arrival.

"After leaving the rookeries the bulls do not return to them again that season."

3. By the fact that two-thirds of all the males that are born are never permitted to land upon the same ground with the females. This large band of bachelors, *when it visits land*, herds miles away from the breeding-grounds. (H. W. Elliott, H. R. No. 3883, 50th Congress, p. 112.)

They are driven off into the water. (Clark's article on Antarctic seal fishery industries of the United States, section 5, vol. ii, 1887, p. 431.)

Young seals are prevented from landing on rookeries. (Ex. Doc. 83, 44th Congress, 1st Session, p. 93; see also Elliott, H. R., 44th Congress, 1st Session, Ex. Doc. No. 83.)

Yearling seals arrive about the middle of July, accompanied by a few of the mature males, remaining a greater part of the time in the water. (H. H. McIntyre, 41st Congress, 2nd Session, H. R. No. 36, p. 14; also H. R. Ex. Doc. 43, 1st Session, 44th Congress, p. 4.)

Mr. Samuel Falkner, Assistant Treasury Agent, writing from St. George Island, 1st August, 1873, to Mr. Bryant, Treasury Agent for the Seal Islands, says:—

"I notice on some of the rookeries the passage-ways, formerly occupied by young bachelors in hauling upon the background, are completely blocked up by females, thus preventing the young seals from landing; and as the greater portion of this island shore is composed of high cliffs, it renders it difficult for any great number to effect a landing. There are also numerous old males constantly guarding the shore line, which makes it still more difficult for the young ones to work their way on the background."

Then, again, it must be remembered that the non-breeding seals, consisting of all the yearlings and all the males under 6 or 7 years of age, nearly equal in number the breeding seals, and Mr. Elliott estimated, when there were 4,700,000 seals on the island, 1,500,000 of this number were non-breeding seals. (Elliott, Appendix to H. R. Ex. Doc. No. 83, 44th Congress, 1st Session, p. 79.)

On thick foggy days bachelor seals, numbering over a million, will often haul out on different hauling-grounds, and on the recurrence of fine weather disappear into the water. (Elliott, p. 144, H. R., 44th Congress, 1st Session, Ex. Doc. No. 83.)

The young bachelors do not remain on shore long at a time. (Page 4, 44th Congress, 1st Session, Ex. Doc. No. 43.)

They are so numerous, however, that thousands can be seen upon the hauling-grounds, as all of them are never either on shore or in the water at the same time. (*Ibid.*, p. 44.)

By the fact that the cows remain with their pups and suckle them until all have left.

They do not go on the rookeries until 3 years of age. (H. R. Ex. Doc., 44th Congress, 1st Session, No. 43, p. 4.)

They do not go far from shore until the young are reared. Peron says that both parent elephant seals stay with the young, without feeding at all, until the young are 6 or 7 weeks old, and that then the old ones conduct the young to the water. (Clark's article on Antarctic seals, p. 424.)

The young are suckled by the females for some time and then left to themselves, lying on the beach, where they seem to grow fat without further feeding. ("The Fisheries and Fishing Industries of the United States," section 5, vol. ii, 1887, p. 424.) For this reason those that are pupped in June are off in the water in August.

So, also, on the African coast, the seal remains until the young can take care of themselves. (*Ibid.*, p. 416.)

The bulk of the seals are confined to the islands until ice surrounds them. (H. R. Ex. Doc. No. 45, 44th Congress, 1st Session, p. 2.)

The seals never leave their places, seldom sleep, and never eat anything from May to August, when they take to the water, but, it is believed, take no food until their final departure in November. (H. H. McIntyre, H. R. Ex. Doc. No. 36, 41st Congress, 2nd Session, vol. v.)

Mr. Elliott says, "perhaps she feeds" (p. 130, his Report on Alaska, 1874, H. R. Ex. Doc. No. 83 44th Congress).

The bulls, while on the island, prevent the mothers taking to the water. ("Marine Mammals," by Captain Shannon, United States' Revenue Marine, 1874, p. 152.)

From the 10th to the 25th July the rookeries are fuller than at any other time during the season, as the pups have all been born, and all the bulls, cows, and pups *remain within their limits*. (H. R. Ex. Doc. No. 43, 44th Congress, 1st Session, p. 3.)

It has been shown that when in the rookeries mothers were destroyed, the young were found dead, &c., but Professor Elliott, in reference to the Pribylov Islands, says:—

"With the exception of those animals which have received wounds in combat, no sick or dying seals are seen upon the islands.

"Out of the great numbers, thousands upon thousands, of seals that must die every year from old age alone, not one have I ever seen here. They evidently give up their lives at sea." (His Report on Alaska, 1874, H. R. Ex. Doc. No. 83, 44th Congress, p. 150.)

To further prove that the contention of the Canadian Government is not at all unreasonable, it may be said that at the International Fisheries Exhibition, London, 1883, Mr. Brown Goode, of the United States' Fish Commission, having stated the Regulations of the United States' concerning the Pribylov group, the official Report upon the Exhibition says:—

"Every animal, both in sea and on land, reproduces its kind in greater numbers than can possibly exist. In other words, all animals tend to multiply more rapidly than their food; many of them must in consequence either die or be destroyed, and man may rest satisfied that, so far as the open ocean is concerned, the fish which he destroys, if he abstain from destroying, would perish in other ways. With respect to the former (seals), I have already pointed out that the restriction which the United States' Government has placed on the destruction of seals in the Alaskan islands seems unnecessarily large."

He added that Nature has imposed a limit to their destruction.

Professor Elliott himself was of the opinion in 1874 (see his Report on Alaska already referred to, pp. 88, 89) that:—

"With regard to the *increase* of the seal life, I do not think it within the power of human management to promote this end to the slightest appreciable degree beyond its present extent and condition in a state of nature; for it cannot fail to be evident, from my detailed description of the habits and life of the fur-seal on these islands during a great part of the year, that, could man have the same supervision and control over this animal during the *whole* season which he has at his command while they visit the land, he might cause them to multiply and increase, as he would so many cattle, to an indefinite number, only limited by time and means; but the case in question, unfortunately, takes the fur-seal six months out of every year far beyond the reach, or even cognizance, of any one, where it is exposed to known powerful and destructive natural enemies, and many others probably unknown, which prey upon it and, in accordance with a well-recognized law of Nature, keep it at about a certain number, which has been for ages, and will be for the future, as affairs now are, its *maximum limit of increase*. This law holds good everywhere throughout the animal kingdom, regulating and preserving the equilibrium of life in a state of nature. Did it not hold good these seal islands and all Behring's Sea would have been literally covered, and have swarmed with them long before the Russians discovered them; but there were no more seals when first seen here by human eyes in 1786-87 than there are now, in 1874, as far as all evidence goes.

"What can be done to promote their increase? We cannot cause a greater number of females to be born every year; we do not touch or disturb these females as they grow up and live, and we save more than enough males to serve them. Nothing more can be done, for it is impossible to protect them from deadly enemies in their wanderings for food.

"This great body of four and five millions of hearty active animals must consume an enormous amount of food every year. They cannot average less than 5 lbs. of fish each per diem (this is not half enough for an adult male), which gives the consumption of *over three million tons* of fish every year!

"To get this immense food supply the seals are compelled to disperse over a very large area of the North Pacific and fish. This

brings them into contact more and more with their enemies as they advance south, until they reach a point where their annual destruction from natural foes is equal to their increase, and at this point their number will remain fixed. About the Seal Islands I have failed to notice the least disturbance among these animals by anything in the water or out, and from my observation I am led to believe that it is not until they descend well to the south in the North Pacific that they meet with sharks and voracious killer-whales."*

The following extract from the Report of Mr. H. H. McIntyre, Special Agent of the Treasury at the islands in 1869, largely supports the foregoing views:—

"The habits of the fur-seal are peculiar and, in considering the action necessary to their protection, deserve careful attention. From the statements of the employes of the late Russian-American Company, the information derived from the intelligent native Chief of St. Paul Island, and my own observation during the summer of 1869, I have reached the following conclusions: The seals reach the Islands of St. Paul and St. George in May, June, and July of each year in the following order—first, a small number of old male seals, known as *wigs*, visit the islands very early in the spring, or as soon as the ice has melted sufficiently to allow them to reach the rocks upon the shore. Their object at this time seems to be solely to reconnoitre their old rookeries with a view to reoccupy them, if they have not been disturbed, and the natives, so understanding it, avoid any noise likely to alarm them, and in case the wind is in such direction as to carry the smoke from the Settlement towards the rookeries all fires are extinguished. After a few days these pioneers take their departure, and as the season advances, if they have been undisturbed on the occasion of their first visit, they return, bringing with them all the males of mature age, above 5 or 6 years old, who are able to maintain their places in the breeding rookeries. Climbing up on the rocks, each seal selects his position and takes possession of and occupies through the season, if sufficiently strong, from one to three square rods of ground. Still later in the season, when the ice has nearly disappeared, the females arrive, conveyed by the young males above one year of age, who are unable to occupy the rookeries with their seniors. The females, immediately on reaching the shore, are appropriated by the old males and taken to the places respectively selected by them for the season, which is generally the same for many successive years. It is asserted that the same male seal has been known to occupy one rock for more than twenty seasons. The young seals above one year of age, called bachelors, take their positions around the edges of the rookeries or remain in the water, and are constantly trying to steal the females from their respective masters, who also rob each other of their families, by stealth or strength, whenever occasion offers; and thus an incessant quarrel is maintained at all points, which keeps the old males constantly on the alert. They never leave their places, seldom sleep, nor do they eat anything whatever during the entire season from May to August, when they go into the water; but, as far as can be ascertained, take no food until their final departure in November. It may be remarked, however, that they are very fat on arrival and quite as lean at the time of leaving in autumn. The young seals are supposed to feed while in the water, but this has not been definitely proved, nor is the nature of their food well known, since an examination of their stomachs seldom reveals more than a green mucilaginous matter. Following all others, the yearling seals arrive about the middle of July, accompanied by a few of the older males, and remain for the greater part of the time in the water. Soon after their arrival in the months of June and July the females bring forth their young." (Ex. Doc., 41st Congress, 2nd Session, No. 36, p. 14.)

Reference has been made to the raids upon the rookeries, and to the fact that insufficient care has been taken of the breeding-ground. It is contended that it is the duty of the Government, drawing an enormous rental from these islands, to carefully guard and protect them, and it is undoubted that, with efficient protection, the increase of seal life will be more marvellous than ever.

Mr. Tingle, in 1886, in his Report to Secretary Fairchild, urges the Government to keep a cutter around the islands from the 1st July to the 1st November.

Mr. Morgan, in 1888, in his evidence before Congress (p. 23), said there were not sufficient cutters for the protection of the islands, and Mr. Wardman, Special Agent of the Treasury at the islands, 1881 to 1885, said:—

"I think the Government ought to keep at least one revenue-steamer therein and about these two islands up until the middle of October at least. The trouble has been in the Revenue Marine Service. The appropriations were all right, and a fellow would be sent up to nominally protect the Seal Islands, but he would also be ordered to look for the North Pole as well as watch the Seal Islands. He might find the North Pole, but not around the Seal Islands. He would be away just at the time he would be needed around there." (Evidence before Congressional Committee, p. 38.)

The Honourable Mr. Williams said:—

"The Government practice, through the Treasury Department, has been to protect these waters so far as they could with the revenue-cutters which are at their command. Still it has frequently happened that a revenue-cutter goes upon the seal ground and then is ordered north for inspection, or for the relief of a whaling crew or something of that kind, and they are gone pretty much the whole time of the sealing season, and there seems to be an insufficiency in the method of protection." (Evidence before Congressional Committee, p. 106.)

Mr. Taylor, Special Agent of the Treasury in 1881, said, before the same Committee (p. 58):—

"The difficulty heretofore has been that our revenue-cutters have been obliged to cover a territory of 800 miles long and 700 or 800 miles wide, north and south, and they would get around to the Seal Islands about twice during a season. They never happened to be there when needed, and, as far as rendering any service whatever is concerned, they were practically useless so far as the Seal Islands were concerned. That has been the experience, I believe, of all who have been there."

This officer recommended steam-launches for Government Agents at the islands. (Evidence before Congressional Committee, p. 109.)

Mr. Glidden, another Agent of the Treasury from 1882 to 1885, says (Evidence, Congressional Committee, p. 28) when he was at the islands the Government kept no vessels there.

"They landed our officers on a little island 6 miles from St. Paul to watch. . . . In every Report I made I recommended that they should keep a revenue-cutter there. One vessel cannot protect those islands and visit the Arctic Ocean besides. The cruising-ground is far too extensive, covering, as it does, a distance of several thousand miles, and while the cutter is absent in the Arctic much damage can be done by the marauding vessels to the Seal Islands."

That Congress regarded it at the outset as the duty at least of the Administration to simply guard and regulate the islands, is clear from the Act first dealing with the subject.

Mr. Boutwell, the Secretary of the Treasury, reported in 1870 (41st Congress, 2nd Session, Ex. Doc. No. 109) as follows:—

"A suggestion has been made to this Department, in various forms, that the Government should lease these islands for a long period of time to a Company or firm for an annual sum of money, upon the condition that provision should be made for the subsistence and education of the natives, and that the fisheries themselves should be preserved from injury. This plan is open to the very grave objection that it makes a monopoly of a branch of industry, important not only for the people of the islands, but to the people of the United States, if the preparation and manufacture of the skins for use should be transferred from London to this

* "In the stomach of one of these animals (year before last) fourteen small harp-seals were found."—*Michael Carroll's Report, Canadian Fisheries, 1872.*

country. Such a monopoly is contrary to the ideas of the people, and not many years would pass before serious efforts would be made for its overthrow. Moreover, the natives of the islands would be under the control of the Company, and as the expiration of the lease approached, the inducements to protect them and preserve the fisheries would diminish, especially if the Company saw, as would probably be the case, that it had no hope of a renewal of its privileges. Under these circumstances the Government of the United States would necessarily be subjected to great expense and trouble.

"For these reasons, briefly stated, but valid, as they appear to me, I cannot concur in the suggestion that the islands should be leased to any Company for a period of years.

"Inasmuch as it will be necessary for the Government of the United States to maintain in and around the islands a military and naval force for the protection of its interests under any plan that can be devised, I am of opinion that it is better that the Government should assume the entire control of the business of the islands, and exclude everybody but its own servants and agents; that it should establish a rigid system of police, excluding from the islands distilled spirits and fire-arms, and subject vessels that touch there to forfeiture, except when they are driven to seek shelter or for necessary repairs. The conditions of such occupancy and control by the Government of the United States seem to me to be these:—

"1st, the exclusion of other parties; 2nd, the supply to the natives of such articles as they are accustomed to use; 3rd, compensation to the natives for their labour, and the payment of a sufficient additional sum each year to enable them to live in the manner to which they have been accustomed; 4th, an equitable division of the value of the skins over the payments made to the natives, and the cost to the Government of the United States of maintaining such force as is necessary for the protection of the business.

"The portion of the surplus equitably belonging to the natives might be set aside for the purpose of education and religious teaching, the erection of more suitable dwellings than they now possess, and generally for their physical, intellectual, and moral improvement.

"If the Government were to lease the islands it would not be possible to withdraw entirely the military and naval forces, or to neglect a careful supervision, and the additional expense consequent upon retaining possession of the business of the islands in the hands of the Government would not be large.

"Ordinarily, I agree in the opinion that a Government, especially one like that of the United States, is not adapted to the management of business; but this clearly is a business which cannot be left open to individual competition, and if it is to be a monopoly, whether profitable or otherwise, the interest of the Government is so large, and the expenses incident to the protection of these islands so great, that it cannot afford to substitute to any extent the monopoly of an individual or of a Company for its own lawful supervision.

"Should the Government fail in the attempt to manage the business through its own agents, there will then be opportunity to lease the fisheries to private parties; but my opinion is that a larger revenue can be obtained from them by actual management than by a lease.

"In further reply to the Resolution, I have to say that the skins taken in 1868 were removed by Messrs. Kohl, Hutchinson, and Co., the Solicitor of the Treasury being of opinion that the Government had no legal authority to detain them. Those taken in 1869 are upon the islands, but no decision has been made touching the rights of the Government.

"In concluding this Report I desire to call the attention of Congress to the fact that it is necessary to legislate immediately so far as to provide for the business of the present year. The natives will commence the capture of seals about the 1st June.

"If the islands are to be leased for the present year it should be done immediately, that the lessee may make provision for the business of the year. If the business of the present year is to be conducted by the Government, as I think it should be, whatever our future policy, legislation is necessary; and I suggest that the Secretary of the Treasury be authorized to appoint Agents in Alaska who shall be empowered to superintend the capture of the seals and the curing of the skins; and that an appropriation shall be made of 100,000 dollars, out of which the natives shall be paid for the labour performed by them, and the other expenses incident to the business met.

"The Secretary of the Treasury should also be authorized to sell the skins at public auction or upon sealed proposals at San Francisco or New York, as he may deem most for the interest of the Government.

"It should be observed in this connection that the Government derived no benefit whatever from the seal fishery of the year 1868, and that the skins taken in 1869 are, nominally at least, the property of two Companies, while the Government, during the last year, has furnished protection to the natives and the fishery, and has no assurance at present that it will derive any benefit whatever therefrom.

"If legislation is long delayed the business of the year 1870 will be but a repetition of that of 1869."

While the Canadian contention is supported, as has been seen, by many extracts from the Reports of officials of the United States' Government, it is apparent that the desire of the lessees, and indirectly that of the officials, has been to create a monopoly in the fur-seal industry, since in this way the market for the skins is largely enhanced and the value of the islands greatly increased.

This is, no doubt, one reason for the divergent opinions entertained as to the best Regulations for the preservation of seal life between those who control the islands and those who are compelled to hunt the seals in the ocean.

In support of the above assertion the following authorities are in point:—

Mr. Bryant, in 1869 (Senate Ex. Doc. No. 32, 41st Congress, 2nd Session), stated that the large number taken in 1867 and in 1868 decreased the London valuation to 3 and 4 dollars a skin.

Mr. Moore, in a Report to the Secretary of the Treasury (H. R. Ex. Doc. No. 83, p. 196, 44th Congress, 1st Session), says, when alluding to the advisability of killing more seals than prescribed by the Act of the 1st July, 1870:—

"It seems that the 100,000 fur-seals from our own islands, together with the 30,000 obtained by them from the Asiatic islands, besides the scattering fur-seals killed in the South Seas, are all the market of the world can conveniently take. In fact, it is pretty evident that the very restriction of the numbers killed is about the most valuable part of the franchise of the Alaska Commercial Company, and it is only another proof of the absurdity of the frequent charges made against them that they surreptitiously take from our islands 20,000 or 30,000 more seals than they are entitled to take.

"There does not exist any doubt, nor indeed is it denied by the Alaska Commercial Company, that the lease of the Islands of St. Paul and of St. George is highly lucrative. The great success of this franchise is, however, owing, as far as I could ascertain, to three principal causes: 1st, the Alaska Commercial Company, owing to the fact that they have the sole control of the three Asiatic islands on which fur-seals are found, as well as on our own islands, as St. Paul and St. George, virtually manage the sale of 80 per cent. of all the fur-seals killed annually in the world; 2ndly, the arbitrary and somewhat eccentric law of fashion has raised the price of fur-seals in the markets of the world during the last four years fully 100 per cent. in value; 3rdly, time and experience have given this controlling Company most valuable advantages. For instance, in the Island of St. Paul, where a reputed number of from 3,000,000 to 3,500,000 of seals congregate, the comparatively small quantity only of formerly 75,000 and now 90,000 are killed. The Company employs experts in selecting easily the kind that are the most valuable in the market, and have no difficulty in getting 90,000 out of a flock of 3,000,000 to 3,500,000, which are the select of the select; and it is owing to this cause, and to the care taken in avoiding cuts in the skins, as also in properly preparing them for the market, that the high prices are obtained. Indeed, the fact is that a fur-seal selling now in London for 2l. 10s. or 3l. is, owing to its superior quality and excellent condition, cheaper than the fur-seals which five years ago fetched 30s. sterling. The former mode of the indiscriminate killing of fur-seals was as detrimental to the value of the skins as it was to the existence of the breed. With such a valuable franchise, secured by a contract that has still fifteen years to run, but which could, without notice, be terminated by the Secretary of the Treasury for cause, it would indeed be a suicidal policy on the part of the Company to infringe on the stipulations of the contract."

All this is explained in the evidence before the Congressional Committee, pp. 77, 101, 105, and 121, where the Company is shown not to have taken the full quota in two years:—

"Not because we could not get enough seals, but because the market did not demand them. There were plenty of seals." (Evidence before Congressional Committee, p. 121.)

Mr. McIntyre, once a Special Agent, has already been quoted, and was afterwards in the service of the Company, reported, in 1869, to the Speaker of the House of Representatives, Mr. Blaine (H. R. Ex. Doc. No. 36, 41st Congress, 2nd Session), that—

"The number of skins that may be secured, however, should not be taken as the criterion on which to fix the limit of the yearly catch, but rather the demand of the market, keeping of course always within the annual production. It appears that under the Russian management a much larger number was sometimes killed than could be advantageously disposed of. Thus in 1803, after the slaughter had been conducted for some years without regard to the market, an accumulation of 800,000 skins was found in the storehouses on the islands, 700,000 of which were thrown into the sea as worthless. At several times since that date the market has been glutted, and sales almost or quite suspended. A few months previously to the transfer of Alaska to the United States sealskins were worth in London only 1 dol. 50 c. to 3 dollars each, and several thousand skins owned by the Russian-American Company were sold to parties in San Francisco, at the time of the transfer, at 50 cents to 1 dol. 25 c., a sum insufficient to pay the present cost of securing and transporting them to that city. Soon afterwards, however, fur-seal garments became fashionable in Europe, and in the expectation that the usual supply would be cut off by reason of the transfer of Alaska, prices advanced to 4 to 7 dollars per skin; contrary to the expectation of dealers more than 200,000 skins were taken by the various parties engaged in the business on the islands in 1868, and the London price has declined to 3 to 4 dollars per skin; and I am assured that if the raw skins now held by dealers in London were thrown upon the market, a sufficient sum to pay the cost of transportation from the islands could hardly be realized. The number of raw skins now upon the market is not less than 350,000, and it is predicted that several years must elapse before the demand will again raise the price above the present rate, if indeed the large surplus of skins does not carry it much lower before reaction begins."

Many of the dangers to seal life have been mentioned, and it has been shown that the herd still thrives; but the wonderful productiveness of the seal is further shown by an allusion to a danger greater than all the assaults of man in the deep sea, a danger ever existing, which naturally tends to keep the seals inshore, or, when outside, to scatter.

Reference is made to the killer-whales and sharks. (H. R. Ex. Doc. No. 83, 44th Congress, 1st Session, p. 177, and pp. 80, 87 of Appendix to the same document; also p. 359 of Evidence before Congressional Committee, 1888):—

"That these animals are preyed upon extensively by killer-whales (*Orca gladiator*) in especial, and by sharks and probably other submarine foes now unknown, is at once evident; for were they not held in check by some such cause they would, as they exist to-day on St. Paul, quickly multiply, by arithmetical progression, to so great an extent that the island, nay, Behring's Sea itself, could not contain them. The present annual killing of 100,000 out of a yearly total of over 1,000,000 males does not in an appreciable degree diminish the seal life, or interfere in the slightest with its regular, sure perpetuation on the breeding-grounds every year. We may, therefore, properly look upon this aggregate of four and five millions of fur-seals as we see them every season on these Pribylov Islands as the maximum limit of increase assigned to them by natural laws. The great equilibrium which Nature holds in life upon this earth must be sustained at St. Paul as well as elsewhere." (Elliott's Report, pp. 62, 64.)

"When before the Committee of Ways and Means on the 17th March, 1876, on the investigation before alluded to, Mr. Elliott made a similar statement, giving in somewhat greater detail the reasons for his conclusions. His evidence will be found annexed to the Report of the Committee." (Report No. 623, H. R., 44th Congress, 1st Session.)

Respecting the practice of sealing as known in Canada, it may be said:—

Canadian sealers start out upon their sealing voyages some time in the beginning of the year. The vessels go down to a point off San Francisco, and from thence work north. The seals taken by them off the coast are of both sexes, many in pup, some young bulls; very few old bulls run in the Pacific Ocean.

The catch of each vessel will average between 500 and 700 seals a-year between the 1st January and the end of May.

When an untrained crew is taken, many shots may be fired without hitting the seals at all, since the novice expects he can hit when at a considerable distance, the seals in such cases escaping entirely, but with Indian hunters and expert whites a seal is nearly always captured when hit. An expert never shoots until after he has arrived at close quarters, and generally when the seal is asleep.

In Behring's Sea the catch is made up largely of young bachelors.

Sealing captains contend that no male becomes fit for the rookeries until 6 years of age. This contention is supported by the authorities to whom reference has already been made.

It is further contended that should a temporary diminution of seal life become apparent upon the islands of the Pribylov group it would not follow that the herds were decreasing. Professor Elliott, in his Report of 1874 upon Alaska, so frequently referred to in this paper, argues, on pp. 265 and 266, that in such a case a corresponding augmentation may occur in Copper or Behring Island, since "these animals are not particularly attached to the respective places of their birth":—

"Thus it appears to me necessary that definite knowledge concerning the Commander Islands and the Kuriles should be possessed; without it, I should not hesitate to say that any Report made by an Agent of the Department as to a visible diminution of the seal life on the Pribylovs, due in his opinion to the effect of killing, as it is conducted, was without good foundation; that this diminution would have been noticed just the same in all likelihood had there been no taking of seals at all on the islands, and that the missing seals are more than probably on the Russian grounds."

Note on the Question of the Protection of the Fur-Seal in the North Pacific.

By Mr. George Dawson, D.S., F.G.S., F.R.S.C., F.R.M.S., Assistant Director of the Geological Survey of Canada.)

The mode of protection which is apparently advocated by the United States' Government in the case of the fur-seal, viz. that of leasing the privilege of killing the animal on the breeding-grounds and prohibiting its capture elsewhere, is a new departure in the matter of such protection. If, indeed, the whole sweep of the Pacific Ocean north of the Equator was dominated and effectively controlled by the United States, something might be said in favour of some such mode of protection from a commercial point of view, but in the actual circumstances the results would be so entirely in favour of the United States, and so completely opposed to the interests and natural rights of citizens of all other countries, that it is preposterous to suppose that such a mode of protection of these animals can be maintained.

Stated briefly, the position of the United States in the matter appears to be based on the idea of allowing, for a money consideration, the slaughter of the maximum possible number of seals compatible with the continued existence of the animals on the Pribylov Islands, while, in order that this number shall not be reduced, no sealing is to be permitted elsewhere.

Such an assumption can be based, in this case, on one or other only of two grounds:

1. That Behring's Sea is a *mare clausum*.
2. That each and every fur-seal is the property of the United States.

Both claims have been made in one form or other, but neither, as far as I know, been officially formulated.

The first is simply disproved by the geographical features of Behring's Sea, by the fact that this sea and Behring's Strait contribute the open highway to the Arctic and to part of the northern shore of Canada, by the previous action of the United States' Government when this sea was nearly surrounded by Russian territory, and by the fact that from 1842 to the date of the purchase of Alaska fleets of United States' and other whalers were annually engaged in Behring's Sea. It is scarcely possible that any serious attempt will be made to support this contention. (Bancroft's History, vol. xxxiii, Alaska, p. 583 *et seq.*)

The second ground of claim is candidly advanced by H. W. Elliott, who writes:—

"The fur-seals of Alaska, collectively and individually, are the property of the General Government. . . . Every fur-seal playing in the waters of Behring's Sea around about the Pribylov Islands, no matter if found, so doing 100 miles away from those rookeries, belongs there, has been begotten and born thereon, and is the animal that the explicit shield of the law protects. No legal sophism or quibble can cloud the whole truth of my statement. . . . The matter is, however, now thoroughly appreciated and understood at the Treasury Department, and has been during the past four years, as the seal pirates have discovered to their chagrin and discomfiture." (United States' 10th Census, vol. viii, Fur-Seal Islands, p. 157.)

Waiving for the moment the general objection which may be raised to the enforcement of such a principle on the high seas, an enforcement which the United States, in the interest of the Alaska Fur Company, appear to have undertaken, the facts upon which the assumption are based may be questioned. Mr. Elliott, in fact, himself writes, on the same page (referring to the presence of a large sealing fleet in Behring's Sea), that it could not fail "in a few short years in so harassing and irritating the breeding seals as to cause their withdrawal from the Alaska rookeries, and probable retreat to those of Russia, a source of undoubted Muscovite delight and emolument, and of corresponding loss and shame to us."

This remark implies that the seals may resort to either the Pribylov or the Russian islands, according to circumstances; and who is to judge, in the case of a particular animal, in which of these places it has been born? The old theory, that the seals returned each year to the same spot, has been amply disproved. Elliott himself admits this, and it is confirmed (*op. cit.*, p. 31) by Captain Charles Bryant, who resided eight years in the Pribylov Islands as Government Agent, and who, having marked 100 seals in 1870, on St. Paul Island, recognized, the next year, four of them in different rookeries on that island, and two on St. George Island. (Monograph on North American Pinnipedes, Allen, 1880, p. 401.)

It is, moreover, by no means certain that the fur-seals breed exclusively on the Russian and United States' Seal Islands of Behring's Sea, though these islands are no doubt their principal and important breeding-places. They were formerly, according to Captain Shannon, found in considerable numbers on the coast of California; and Captain Bryant was credibly informed ("Marine Mammals of Coast of North-West North America," pp. 152, 154, quoted by Allen, *op. cit.*, p. 332) of the existence in recent years of small breeding colonies of these animals on the Queen Charlotte Islands of British Columbia. Mr. Allen further quotes from the observations of Mr. James G. Swan, Field Assistant of the United States' Commissioner of Fish and Fisheries:—

"Mr. Swan" (I quote from Mr. Elliott), "has passed near an average lifetime on the north-west coast, and has rendered to natural science and to ethnology efficient and valuable service."

His statements may therefore be received with respect. He writes:—

"The fact that they (the fur-seals) do bear pups in the open ocean, off Fuca Strait, is well established by the evidence of every one of the sealing captains, the Indians, and my own personal observations. Dr. Power says the facts do not admit of dispute. . . . It seems as preposterous to my mind to suppose that all the fur-seals of the North Pacific go to the Pribylov Islands as to suppose that all the salmon go to the Columbia or Fraser River or to the Yukon."

To this Professor D. S. Jordan, the well-known naturalist, adds:—

"I may remark that I saw a live fur-seal pup at Cape Flattery, taken from an old seal just killed, showing that the time of bringing them forth was just at hand."

On these statements Mr. Allen himself remarks:—

"These observations, aside from the judicious suggestions made by Mr. Swan, are of special interest as confirming those made some years ago by Captain Bryant, and already briefly recorded in this work. They seem to show that at least a certain number of fur-seals repair to secluded places, suited to their needs, as far south as the latitude of Cape Flattery, to bring forth their young." (Allen, *op. cit.*, pp. 411, 772, 773.)

Mr. Elliott, of course, stoutly denies the authenticity of all these observations, it being necessary to do so in order to maintain his contention as to the ownership of the United States' Government, or the Alaska Fur Company, as the case may be, in the seals.

It has further been often stated that the killing of fur-seals in the open sea off the North Pacific coast is a comparatively new departure, while it is, as a matter of fact, morally certain that the Indians of the whole length of that coast have pursued and killed these animals from time immemorial. As the value of the skins has, however, only of late years become fully known and appreciated, it is naturally difficult to obtain much trustworthy evidence of this without considerable research. Some facts can, however, be adduced. Thus, Captain Shannon described the mode of hunting seals in canoes employed by the Indians of Vancouver Island, and refers to the capture of seals by the Indians off the Straits of Fuca, where, he adds, they appear—

"Some years as early as the 1st March, and more or less remain till July or August, but they are most plentiful in April and May. During these two months the Indians devote nearly all their time to sealing when the weather will permit."

In 1843 to 1864 only a few dozen skins are known to have been taken annually, but in 1869 fully 5,000 were obtained. Mr. Allen, writing in 1880, states that—

“During the winter months considerable numbers of sealskins are taken by the natives of British Columbia, some years as many as 2,000.” (Allen, *op. cit.*, pp. 332, 371, 411.)

The protection of the fur-seals from extermination has from time to time been speciously advanced as a sufficient reason for extraordinary departures from the respect usually paid to private property and to international rights; but any protection based on the lease of the breeding-grounds of these animals as places of slaughter, and an attempt to preserve the seals when at large and spread over the ocean, as they are during the greater part of each year, is unfair in its operation, unsound in principle, and impracticable in enforcement.

Referring to the interests of the Indians of the north-west coast, it is true that a certain number of Aleuts now on the Pribylov Islands (398 in all, according to Elliott) are dependent on the sealing business for subsistence, but these islands were uninhabited when discovered by the Russians, who brought these people here for their own convenience. Further south along the coast the natives of the Aleutian Islands, of the south-east coast of Alaska, and of the entire coast of British Columbia have been, and still are, accustomed annually to kill considerable numbers of seals. This it would be unjust to interfere with, even were it possible to carry out any regulations with that effect. The further development of oceanic sealing affords employment to, and serves as a mode of advancement and civilization for, these Indians, and is one of the natural industries of the coast. No allusion need be made to the prescriptive rights of the white sealers, which are well known.

The unsoundness of this principle of conservation is shown by what has occurred in the Southern Hemisphere in respect to the fur-seals of that region. About the beginning of the century very productive sealing-grounds existed in the Falkland Islands, Kerguelen Islands, Georgian Islands, the west coast of Patagonia, and many other places similarly situated, all of which were in the course of a few years almost absolutely stripped of seals, and in many of which the animal is now practically extinct. This destruction of the southern fur-sealing trade was not caused by promiscuous sealing at sea, but entirely by hunting on and around the shores, and, had these islands been protected as breeding-places, the fur-seals would in all probability be nearly as abundant in the south to-day as they were at the date at which the trade commenced.

The impracticability of preventing the killing of seals on the open sea, and of efficiently patrolling the North Pacific for this purpose, is sufficiently obvious. The seals, moreover, when at sea (in marked contrast with their boldness and docility in their breeding-places) are extremely wary, and the number which can be obtained by legitimate hunting at sea must always be small as compared with the total. Elliott, in fact, states that the seal, when at sea, “is the shyest and variest your ingenuity can define.” (*Op. cit.*, p. 65.)

The position is such that at the present time the perpetuation or the extermination of the fur-seal in the North Pacific as a commercial factor practically depends entirely on the regulations and restrictions which may be applied by the United States to the Pribylov Islands, and now that this is understood a regard for the general interest of its own citizens, as well as for those of other countries, demands that the extermination or serious depletion of the seals on their breeding-islands should be prevented. It is probably not necessary for this purpose that the killing of seals on these islands should be entirely prohibited. Both Elliott and Bryant show good reason for believing that a large number of seals may be killed annually without reducing the average aggregate number which can find suitable breeding-grounds on these islands, and after the very great reduction in numbers which occurred, owing to an inclement season about 1836 (Elliott), or 1842 (Bryant), the seals increased very rapidly again, and in a few years being nearly as numerous as in 1873, when the total number on the islands was estimated at over 4,700,000.

By retaining an efficient control of the number of seals to be killed on the Pribylov Islands, and by fixing this number anew each season in accordance with circumstances, the United States' Government will be in a position to counteract the effect of other causes tending to diminish the number of seals, whether climatic or resulting from the killing of a larger number at sea. There is no reason to apprehend that the number of seals which might thus be safely killed on the islands would, under any circumstances, be so small as to fail to cover the cost of the administration and protection of the islands. If such a policy as this, based on the common interests in the preservation of the seals, were adopted, it might be reasonable to agree (for the purpose of safeguarding the islands and for police purposes) that the jurisdiction of the United States in this matter should be admitted to extend to some greater distance than this usual one of 3 marine miles, though, as shown further on, the necessary distance would not be great.

The situation of the Pribylov Islands and the habits of the seal together cause the problem of its preservation to be one of extreme simplicity if approached from the point of view of protection on and about the islands, but one of very great difficulty if looked at from any other standpoint. The long-continued and presumably accurate observations which have been made on the habits of the seals show that during the entire breeding season they are very closely confined to the immediate shores of the breeding islands, and that neither in arriving nor in departing from these islands do they form schools or appear together in such numbers as to render promiscuous slaughter at sea possible. The old bulls actually remain on shore during the entire breeding season, while the females, though leaving their young from time to time for the water, are described as haunting the immediate vicinity of the shores just beyond the line of surf. Even the bachelor seals (Elliott, *op. cit.*, pp. 45, 64, *et passim*; Allen, *op. cit.*, p. 386), which constitute a distinct body while ashore and are not actually engaged in breeding or protecting the young, are said to remain close to the shore. If, however, any seals are to be found at this time going to or returning from the sea at some distance from land, these belong to the “bachelor” class, which is the very class selected for the killing by the fur Company. The young

females, after leaving the islands in the year of their birth, do not return at all till after reaching maturity in their third year. (Allen, *op. cit.*, p. 402.)

The evidence obtained by Captain Bryant shows that while "small groups of small seals (apparently 1 and 2 years old)" are met with at large in Behring's Sea during July and August, no considerable numbers of schools are to be found. (Allen, *op. cit.*, p. 411.)

It is thus apparent that the perfect security of the seals actually engaged in breeding and suckling their young may be secured without extending the limits of protection beyond the usual distance of 3 miles from the shores of the breeding islands, but that for the purpose of increasing the facilities of supervision a somewhat wider limit might reasonably be accorded. Possibly by defining an area inclosed by lines joining points 3 miles off the extreme headlands and inlets of the Pribylov group, an ample and unobjectionable area of protection might be established.

It is allowed by all naturalists that the habits of the fur-seals of the Southern Hemisphere are identical with those of the seal of the North Pacific, and it is therefore admissible to quote the observations of Dampier on Juan Fernandez Island in further confirmation of the fact that these animals go only for a very short distance from land during the breeding season, even when in immense multitudes on the shore. Dampier writes:—

"Here are always thousands, I might say possibly millions of them, either sitting on the bays or going and coming in the sea round the islands, which is covered with them (as they lie at the top of the water playing and sunning themselves) for a mile or two from the shore." ("A New Voyage Round the World," 1703; quoted by Allen, *op. cit.*, p. 334.)

These rookeries have, like others in the south, been long since depleted and abandoned.

The circumstance that the female fur-seal becomes pregnant within a few days after the birth of its young, and that the period of gestation is nearly twelve months, with the fact that the skins are at all times fit for market (though for a few weeks, extending from the middle of August to the end of September, during the progress of the shedding and renewal of the longer hair, they are of less value) show that there is no natural basis for a close season generally applicable. Thus, should any close season be advocated, its length and the time of year during which it shall occur can only be determined as a matter of convenience and be of the nature of a compromise between the various interests involved. The pelagic habits of the seals during fully six months of each year, and the fact that they are during the entire winter season widely dispersed over the Pacific, constitute a natural and unavoidable close season. It is thus only possible, from a commercial point of view, to kill the seals during the period of their approximate concentration for migration or when in Behring's Sea. This is the period fixed by Nature during which seals may be taken, and any artificial close season can be effective only if applied to the further curtailment of the time at which it is possible to carry on the fishery. It may be assumed, therefore, as such a close season for seal-hunting at sea must be purely arbitrary and artificial, that any close season proposed by the United States or the lessees of the Seal Islands will be chosen entirely in the interest of sealing on shore, and so arranged as to render the time of sealing on the open sea as short and unprofitable as possible. It is thus important that the sea-going sealers should at least have an equal voice in the matter of the time and duration of a close period if such should be contemplated.

(Signed) GEORGE M. DAWSON

March 5, 1890.

No. 322.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received April 26.)

(Telegraphic.)

Washington, April 26, 1890.

I HAVE received the amendments proposed by the Canadian Government in my new draft Convention referred to in my despatch of the 11th instant. I propose to submit the draft Convention to the Conference on Tuesday, with the amendments, unless your Lordship instructs me otherwise.

No. 323.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received April 30.)

(Telegraphic.)

Washington, April 30, 1890.

I HAVE sent the draft Convention to Mr. Blaine, with a letter supporting our counter-proposal.

I sent your Lordship copies by post yesterday.

No. 324.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received May 5.)

My Lord,

Washington, April 25, 1890.

IN obedience to your Lordship's instructions conveyed to me in your telegram of the 15th March, I have the honour to inform you that I communicated copies of my despatches of the 7th and 11th February, respecting the assessment of damages for seizure in Behring's Sea, to Mr. Tupper, in order that he might consult his colleagues on the subject during his visit to Ottawa.

I have now the honour to inclose a copy of the letter in which he informs me of the views of the Dominion Government as to the procedure to be followed.

From this letter it appears that the Canadian Government desire that I should endeavour to assess the amount of damages with Mr. Blaine, but that they would prefer a modification of the procedure suggested on the proposed reference to arbitration.

I have the honour to request that I may be informed whether your Lordship approves of the modification in Mr. Blaine's proposal suggested by the Canadian Government, and, if so, whether I am authorized to accept that proposal as so modified on behalf of Her Majesty's Government.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

 Inclosure in No. 324.
Mr. Tupper to Sir J. Pauncefote.

Dear Sir Julian Pauncefote,

Washington, April 19, 1890.

REFERRING to the copies of your despatches of the 7th and 11th February, addressed to Lord Salisbury, and which you handed to me, I have now to inform you that during my visit to Ottawa I discussed with my colleagues the subject to which they refer.

In the despatch of the 7th February you say Mr. Blaine was willing "to examine and assess the damages with me on the same principle as if the liability of his Government were admitted, then to refer the question of liability to some eminent juriconsult for decision on written statements and answers submitted by the two Governments respectively."

It will be agreeable to the Canadian Government that you should endeavour to assess the amount of damages with Mr. Blaine.

Touching Mr. Blaine's proposal for ascertaining the liability, my colleagues think that it would be preferable to the mode suggested that a statement of the case should be made, setting out all the facts connected with the action of the Revenue cutters of the United States concerning Canadian sealing-vessels, their crews, cargoes, papers, &c., in Behring's Sea, and the question propounded upon such a statement should be whether the conduct of the United States in the premises was justifiable under the principles of international or natural law.

The question "on written statements and answers submitted by the Governments respectively" should be submitted to two eminent Judges, one to be, say, the Chief Justice of the United States, the other an eminent member of the English Judiciary, to be named by the British Government.

Yours, &c.

(Signed) CH. H. TUPPER.

 No. 325.
Foreign Office to Colonial Office.

Sir,

Foreign Office, May 5, 1890.

WITH reference to your letter of the 14th March last, I am directed by the Marquis of Salisbury to transmit herewith a copy of a despatch from Her Majesty's Minister at Washington,* inclosing a copy of a letter addressed to him by Mr. Tupper, explaining the views of the Dominion Government as to the procedure to be followed in

* No. 324.

the proposed assessment of damages claimed on behalf of the owners of the British vessels seized in Behring's Sea.

I am to request that, in laying this letter before Secretary Lord Knutsford, you will move him to furnish Lord Salisbury with any observations he may have to offer in regard to the modifications in Mr. Blaine's proposal suggested by the Canadian Government.

I am, &c.
(Signed) P. CURRIE.

No. 326.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received May 8.)

My Lord,

Washington, April 29, 1890.

WITH reference to my despatch of the 11th instant, I have the honour to inclose copy of a letter which I have this day addressed to Mr. Blaine, inclosing the draft of a Convention which I have prepared for the settlement of the Behring's Sea Fisheries question, and which has the approval of the Canadian Government.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

Inclosure 1 in No. 326.

Sir J. Pouncefote to Mr. Blaine.

Dear Mr. Blaine,

Washington, April 29, 1890.

AT the last sitting of the Conference on the Behring's Sea Fisheries question you expressed doubts, after reading the Memorandum of the Canadian Minister of Marine and Fisheries, which by your courtesy has since been printed, whether any arrangement could be arrived at that would be satisfactory to Canada.

You observed that the proposal of the United States had now been two years before Her Majesty's Government, that there was nothing further to urge in support of it, and you invited me to make a counter-proposal on your behalf. To that task I have most earnestly applied myself, and while fully sensible of its great difficulty, owing to the conflict of opinion and of testimony which has manifested itself in the course of our discussions, I do not despair of arriving at a solution which will be satisfactory to all the Governments concerned. It has been admitted from the commencement that the sole object of the negotiation is the preservation of the fur-seal species for the benefit of mankind, and that no considerations of advantage to any particular nation or of benefit to any private interest should enter into the question.

Such being the basis of negotiation, it would be strange, indeed, if we should fail to devise the means of solving the difficulties which have unfortunately arisen. I will proceed to explain by what method this result can, in my judgment, be attained. The great divergence of views which exists as to whether any restrictions on pelagic sealing are necessary for the preservation of the fur-seal species, and, if so, as to the character and extent of such restrictions, render it impossible, in my opinion, to arrive at any solution which would satisfy public opinion either in Canada or Great Britain, or in any country which may be invited to accede to the proposed arrangement, without a full inquiry by a Mixed Commission of Experts, the result of whose labours and investigations in the region of the seal fishery would probably dispose of all the points in dispute.

As regards the immediate necessities of the case, I am prepared to recommend to my Government, for their approval and acceptance, certain measures of precaution which might be adopted provisionally and without prejudice to the ultimate decision on the points to be investigated by the Commission. These measures, which I will explain later on, would effectually remove all reasonable apprehension of any depletion of the fur-seal species, at all events pending the Report of the Commission.

It is important in this relation to note that while it has been contended on the part of the United States' Government that the depletion of the fur-seal species has already commenced, and even that the extermination of the species is threatened within a measurable space of time, the latest Reports of the United States' Agent, Mr. Tingle, are such as to dissipate all such alarms.

Mr. Tingle, in 1887, reported that the vast number of seals was on the increase, and that the condition of all the rookeries could not be better.

In his later Report, dated the 31st July, 1888, he wrote as follows:—

"I am happy to be able to report that, although late landing, the breeding rookeries are filled out to the lines of measurement heretofore made, and some of them much beyond those lines, showing conclusively that seal life is not being depleted, but is fully up to the estimate given in my Report of 1887."

Mr. Elliot, who is frequently appealed to as a great authority on the subject, affirms that such is the natural increase of the fur-seal species that these animals, were they not preyed upon by killer-whales (*Orca gladiator*), sharks, and other submarine foes, would multiply to such an extent that "Behring's Sea itself could not contain them."

The Honourable Mr. Tupper has shown in his Memorandum that the destruction of seals caused by pelagic sealing is insignificant in comparison with that caused by their natural enemies; and he gives figures exhibiting the marvellous increase of seals in spite of the depredations complained of. Again, the destructive nature of the modes of killing seals by spears and fire-arms has apparently been greatly exaggerated, as may be seen from the affidavits of practical seal-hunters which I annex to this letter,* together with a confirmatory extract from a paper upon the "Fur Seal Fisheries of the Pacific Coast and Alaska," prepared and published in San Francisco, and designed for the information of Eastern United States' Senators and Congressmen.

The Canadian Government estimate the percentage of seals so wounded or killed and not recovered at 6 per cent.

In view of the facts above stated, it is improbable that pending the result of the inquiry which I have suggested any appreciable diminution of the fur-seal species should take place, even if the existing conditions of pelagic sealing were to remain unchanged.

But in order to quiet all apprehension on that score I would propose the following provisional Regulations:—

1. That pelagic sealing should be prohibited in the Behring's Sea, the Sea of Ochotsk, and the adjoining waters, during the months of May and June, and the months of October, November, and December, which may be termed the "migration periods" of the fur-seal.

2. That all sealing-vessels should be prohibited from approaching the breeding islands within a radius of 10 miles.

These Regulations would put a stop to the two practices complained of as tending to exterminate the species; (1) the slaughter of female seals with young during migration periods, "especially in the narrow passes of the Aleutian Islands; (2) the destruction of female seals by marauders surreptitiously landing on the breeding islands under cover of the dense fogs which almost continuously prevail in that locality during the summer.

Mr. Taylor, another Agent of the United States' Government, asserts that the female seals (called "cows") go out from the breeding islands every day for food. The following is an extract from his evidence.

"The cows go 10 and 15 miles, and even further—I do not know the average of it—and they are going and coming all the morning and evening. The sea is black with them round about the islands. If there is a little fog, and they get out half-a-mile from shore, we cannot see a vessel 100 yards even. The vessels themselves lay around the islands there, where they pick up a good many seal, and there is where the killing of cows occurs when they go ashore."

Whether the female seals go any distance from the islands in quest of food, and, if so, to what distance, are questions in dispute. But, pending their solution, the Regulation which I propose against the approach of sealing-vessels within 10 miles of the islands for the prevention of surreptitious landing practically meets Mr. Taylor's complaint, be it well founded or not, to the fullest extent; for, owing to the prevalence of fogs, the risk of capture within a radius of 10 miles will keep vessels off at a much greater distance.

This Regulation, if accepted by Her Majesty's Government, would certainly manifest a friendly desire on their part to co-operate with your Government and that of Russia in the protection of their rookeries, and in the prevention of any violation of the Laws applicable thereto.

I have the honour to inclose the draft of a Preliminary Convention which I have prepared, providing for the appointment of a Mixed Commission, who are to report on certain specified questions within two years.

The draft embodies the temporary Regulations above described, together with other clauses which appear to me necessary to give proper effect to them.

Although I believe that it would be sufficient during the "migration periods" to

* See Appendix 1 in Colonial Office letter of November 30, 1889, pp. 355-357.

prevent all sealing within a specified distance from the passes of the Aleutian Islands, I have, out of deference to your views and to the wishes of the Russian Minister, adopted the fishery line described in Article V, and which was suggested by you at the outset of our negotiation.

The draft, of course, contemplates the conclusion of a further Convention, after full examination of the Report of the Mixed Commission. It also makes provision for the ultimate settlement by arbitration of any differences which the Report of the Commission may still fail to adjust, whereby the important element of finality is secured; and in order to give to the proposed arrangement the widest international basis, the draft provides that the other Powers shall be invited to accede to it.

The above proposals are, of course, submitted *ad referendum*, and it only now remains for me to commend them to your favourable consideration and to that of the Russian Minister. They have been framed by me in a spirit of justice and conciliation, and with the most earnest desire to terminate the controversy in a manner honourable to all parties, and worthy of the three great nations concerned.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

Inclosure 2 in No. 326.

THE NORTH AMERICAN SEAL FISHERY CONVENTION.

Draft Convention between Great Britain, Russia, and the United States of America, in relation to the Fur-seal Fishery in the Behring's Sea, the Sea of Ochotsk, and the adjoining Waters.

THE Governments of Russia and of the United States having represented to the Government of Great Britain the urgency of regulating, by means of an International Agreement, the fur-seal fishery in Behring's Sea, the Sea of Ochotsk, and the adjoining waters, for the preservation of the fur-seal species in the North Pacific Ocean, and differences of opinion having arisen as to the necessity for the proposed Agreement, in consequence whereof the three Governments have resolved to institute a full inquiry into the subject, and pending the result of such inquiry, to adopt temporary measures for the restriction of the killing of seals during the breeding season without prejudice to the ultimate decision of the questions in difference in relation to the said fishery;

The said three Governments have appointed as their respective Plenipotentiaries, to wit:

Who, after having exchanged their full powers, which were found to be in good and due form, have agreed upon the following Articles:—

ARTICLE I.

The High Contracting Parties agree to appoint a Mixed Commission of Experts, who shall inquire fully into the subject, and report to the High Contracting Parties within two years from the date of this Convention the result of their investigations, together with their opinions and recommendations on the following questions:—

Mixed Commission of Experts to be appointed.

1. Whether Regulations properly enforced upon the breeding islands (Robin Island in the Sea of Ochotsk, and the Commander Islands and the Pribyloff Islands in the Behring's Sea) and in the territorial waters surrounding those islands are sufficient for the preservation of the fur-seal species.

2. If not, how far from the islands is it necessary that such Regulations should be enforced in order to preserve the species?

3. In either of the above cases, what should such Regulations provide?

4. If a close season is required on the breeding islands and territorial waters, what months should it embrace?

5. If a close season is necessary outside of the breeding islands as well, what extent of waters and what period or periods should it embrace?

ARTICLE II.

On receipt of Report of Commission, question of International Regulations to be forthwith determined.
Arbitration.

On receipt of the Report of the Commission, and of any separate Reports which may be made by individual Commissioners, the High Contracting Parties will proceed forthwith to determine what International Regulations, if any, are necessary for the purpose aforesaid, and any Regulations so agreed upon shall be embodied in a further Convention, to which the accession of the other Powers shall be invited.

ARTICLE III.

In case the High Contracting Parties should be unable to agree upon the Regulations to be adopted, the questions in difference shall be referred to the arbitration of an impartial Government, who shall duly consider the Reports hereinbefore mentioned, and whose award shall be final, and shall determine the conditions of the further Convention.

ARTICLE IV.

Provisional Regulations.

Pending the Report of the Commission, and for six months after the date of such Report, the High Contracting Parties agree to adopt and put in force as a temporary measure, and without prejudice to the ultimate decision of any of the questions in difference in relation to the said fishery, the Regulations contained in the next following Articles Nos. V to X inclusive.

ARTICLE V.

Seal fishery line.

A line of demarcation, to be called the "seal fishery line," shall be drawn as follows:—

From Point Anival at the southern extremity of the Island of Saghalien in the Sea of Ochotsk, to the point of intersection of the 50th parallel of north latitude with the 160th meridian of longitude east from Greenwich, thence eastward along the said 50th parallel to its point of intersection with the 160th meridian of longitude west from Greenwich.

ARTICLE VI.

Close time.

The subjects and citizens of the High Contracting Parties shall be prohibited from engaging in the fur-seal fishery and the taking of seals by land or sea north of the seal fishery line from the 1st May to the 30th June, and also from the 1st October to the 30th December.

ARTICLE VII.

Prevention of marauders.

During the intervening period, in order more effectively to present the surreptitious landing of marauders on the said breeding islands, vessels engaged in the fur-seal fishery, and belonging to the subjects and citizens of the High Contracting Parties, shall be prohibited from approaching the said islands within a radius of 10 miles.

ARTICLE VIII.

Further provisional Regulations.

The High Contracting Parties may, pending the Report of the Commission, and on its recommendation or otherwise, make such further temporary Regulations as may be deemed by them expedient for better carrying out the provisions of this Convention and the purposes thereof.

ARTICLE IX.

Penalty for violation of provisional Regulations.

Every vessel which shall be found engaged in the fur-seal fishery contrary to the prohibitions provided for in Articles VI and VII, or in violation of any Regulation made under Article VIII, shall, together with her apparel, equipment, and contents, be liable to forfeiture and confiscation, and the master and crew of such vessel, and every person belonging thereto, shall be liable to fine and imprisonment.

ARTICLE X.

Seizure for breach of provisional Regulations.
Trial of offences.

Every such offending vessel or person may be seized and detained by the naval or other duly commissioned officers of any of the High Contracting Parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who shall alone have jurisdiction to try the offence and impose the penalties for the same. The witnesses and proofs necessary to establish the offence shall also be sent with them, and the Court adjudicating upon the case may order such portion of the fines imposed, or of the proceeds of the condemned vessel, to be applied in payment of the expenses occasioned thereby.

ARTICLE XI.

This Convention shall be ratified, and the ratifications shall be exchanged at in six months from the date thereof, or sooner if possible. It shall take effect on such day as shall be agreed upon by the High Contracting Parties, and shall remain in force until the expiration of six months after the date of the Report of the Commission of Experts to be appointed under Article I; but its duration may be extended by consent.

Ratification.
Commence-
ment and
duration of
Convention.

ARTICLE XII.

The High Contracting Parties agree to invite the accession of the other Powers to the present Convention.

Accession
of other
Powers.

Inclosure 3 in No. 326

*Extract from a Pamphlet entitled "Fur-seal Fisheries of the Pacific Coast and Alaska."
Published by C. D. Ladd.*

IT is claimed that many seals are shot that sink and are lost. Undoubtedly there are some lost in this way, but the percentage is light, probably one in thirty or forty, not more than this. It is also claimed that ten are shot and wounded that die to one that is secured. This is also an error. Many seals are shot at that are not hit at all, but when a seal is wounded, so that in the end it will die, it is most always secured by the hunter, who may have to shoot at it several times in order to get it, as the seal in the water exposes only its head, and when frightened exposes only a small portion of that, so that, together with the constant diving of the seal, the motion of the boat, &c., makes it very hard to hit. This is where it is claimed that ten are shot and wounded to one that is secured, but it is nearer the truth that one is lost to ten that are secured, for the reason that when a seal is wounded it cannot remain under water any length of time, and therefore the hunter can easily follow it up and secure it.

No. 327.

Colonial Office to Foreign Office.—(Received May 8.)

Sir,

Downing Street, May 8, 1890.

IN reply to your letter of the 5th instant, I am directed by Lord Knutsford to acquaint you, for the information of the Marquis of Salisbury, that he does not see any reason for taking exception to the proposal of the Dominion Government that the question of the liability of the United States' Government to pay compensation in respect of the seizures in Behring's Sea should be submitted to two eminent Judges instead of the single jurisconsult proposed by Mr. Blaine, if provision is made for securing a final decision in the event of a difference of opinion between the Judges chosen, by a reference to an umpire to be selected by the two Judges before the arbitration is commenced.

With regard to the question to be submitted to the arbitrators, Lord Knutsford would suggest that Her Majesty's Government should deprecate the employment of so vague and elastic a term as "natural law." I am to point out, also, that Mr. Blaine, in the conversation with Sir J. Pouncefote reported in the latter's despatch of the 7th February last, stated that no established principles of international law would be in dispute, and he would probably object, therefore, to a specific reference to international law.

It appears to Lord Knutsford also to deserve consideration whether Mr. Tupper's proposed form of question does not narrow rather than extend the range of acts for which the United States should be held responsible, as it is not impossible that, by ingenious argument, the arbitrators might be persuaded that proceedings otherwise not justifiable were excusable under some alleged doctrine of international law.

Lord Knutsford is disposed, therefore, to prefer the broader terms of reference suggested by Mr. Blaine in the Memorandum which he communicated to Sir J. Pouncefote on the 11th February last, namely, whether, under the circumstances existing at the time, the United States' Government was justified in arresting and detaining the vessels that entered the Behring's Sea for the purpose of killing fur-seals in the open sea. This would not prevent Her Majesty's Government from invoking the principles of international law against the United States' action, as indeed it is proposed to do in the reply

to be given to Mr. Blaine's note of the 22nd January, setting forth the grounds upon which he rests the justification of the seizures.

I am to observe, further, that Mr. Tupper does not say in his letter whether the Dominion Government are willing that the question of the amount of the damages, in the event of Mr. Blaine and Sir J. Pouncefote failing to agree, should be referred to the arbitrators to be selected to determine the question of the liability of the United States.

Lord Knutsford would suggest, for Lord Salisbury's consideration, that Sir J. Pouncefote should be desired to communicate with Mr. Tupper as to the points raised in this letter before submitting the matter to the United States' Government.

I am, &c.

(Signed) JOHN BRAMSTON.

No. 328.

The Marquis of Salisbury to Sir J. Pouncefote.

(Telegraphic.)

Foreign Office, May 8, 1890.

WHAT reception has Mr. Blaine given to the proposals embodied in the draft Convention for regulating the Behring's Sea fur-seal fisheries which was sent home in your despatch of the 29th ultimo?

Her Majesty's Government would be glad to be kept informed by telegraph of any advance in the negotiations.

No. 329.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received May 8.)

(Telegraphic.)

Washington, May 8, 1890.

YOUR Lordship's telegram of to-day's date received.

I will telegraph without fail as soon as I receive any communication from Mr. Blaine as to his views on the draft Convention.

Although as friendly as ever in manner, he has hitherto maintained absolute silence on the subject.

Would your Lordship authorize me to inform him that you approve the draft, and hope that it will be accepted by the United States' Government?

The desired information may thus be elicited.

No. 330.

The Marquis of Salisbury to Sir J. Pouncefote.

(Telegraphic.)

Foreign Office, May 9, 1890.

I HAVE received your telegram of to-day, and, in reply, I have to inform you that you are authorized, if you think it advisable, to inform Mr. Blaine that Her Majesty's Government approve the terms of the draft Convention submitted to him by you for the regulation of the Behring's Sea fur-seal fisheries.

No. 331.

The Marquis of Salisbury to Sir J. Pouncefote.—(Substance telegraphed.)

Sir,

Foreign Office, May 9, 1890.

I LOST no time in communicating to the Secretary of State for the Colonies copies of your despatch of the 25th ultimo, and its inclosure, relative to the assessment of compensation for the seizures by United States' vessels of British sealers in Behring's Sea; and I now transmit, for your information and guidance, a copy of a letter containing Lord Knutsford's views on the matter.*

• No. 327.

As it is very desirable that the negotiations now pending should be brought to as early a conclusion as possible, I telegraphed the substance of the Colonial Office letter to you this day, desiring you to consult Mr. Tupper on its contents before approaching the United States' Government in regard to them.

I am, &c.
(Signed) SALISBURY.

No. 332.

The Marquis of Salisbury to Sir J. Pauncefote.

Sir,

Foreign Office, May 10, 1890.

I HAVE received your despatch of the 29th ultimo, covering copy of a note in which you submitted to Mr. Blaine the draft Convention, which has been approved by the Government of Canada, for the settlement of the Behring's Sea Fisheries question, as well as a copy of the draft Convention itself.

The terms of your note are approved by Her Majesty's Government.

I am, &c.
(Signed) SALISBURY.

No. 333.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received May 11.)

(Telegraphic.)

Washington, May 11, 1890.

WITH reference to my telegram of the 8th instant, Mr. Blaine has informed me that he will send me a communication before the end of the week, in which he will explain why the United States' Government are unable to accept my draft Convention in its present shape. He told me, however, at the same time, that he thought a basis of arrangement was offered by my proposal which he was in hopes would lead to a settlement of the question.

No. 334.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received May 11.)

(Telegraphic.)

Washington, May 11, 1890.

AS to compensation for damages referred to in your Lordship's telegram of the 9th instant, I have prepared, after discussion with Mr. Tupper, a draft Arbitration Agreement on the basis of your Lordship's instructions.

Mr. Tupper will to-morrow take a copy of it to Ottawa for the approval of the Canadian Government, and should his further services be required here, will return immediately.

As soon as I receive the reply of the Canadian Government, I will forward copy to your Lordship.

Proposal for arbitrators and umpire will be agreed to by Mr. Blaine.

No. 335.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received May 14.)

(Telegraphic.)

Washington, May 14, 1890.

MR. TUPPER did not leave for Ottawa as stated in my telegram of the 11th instant. Draft Agreement was sent there by post instead of being taken by him.

The Marquis of Salisbury to Sir J. Pouncefote.

Sir,

Foreign Office, May 22, 1890.

I RECEIVED in due course your despatch of the 23rd January,* inclosing copy of Mr. Blaine's note of the 22nd of that month, in answer to the protest made on behalf of Her Majesty's Government on the 12th October last against the seizure of Canadian vessels by the United States' Revenue-cutter "Rush" in Behring's Sea.

The importance of the subject necessitated a reference to the Government of Canada, and some time elapsed before their reply reached Her Majesty's Government. The negotiations which have taken place between Mr. Blaine and yourself afford strong reason to hope that the difficulties attending this question are in a fair way towards an adjustment which will be satisfactory to both Governments. I think it right, however, to place on record, as briefly as possible, the views of Her Majesty's Government on the principal arguments brought forward on behalf of the United States.

Mr. Blaine's note defends the acts complained of by Her Majesty's Government on the following grounds:—

1. That "the Canadian vessels arrested and detained in the Behring's Sea were engaged in a pursuit that is in itself *contra bonos mores*—a pursuit which of necessity involves a serious and permanent injury to the rights of the Government and people of the United States."

2. That the fisheries had been in the undisturbed possession, and under the exclusive control, of Russia from their discovery until the cession of Alaska to the United States in 1867, and that from this date onwards until 1886 they had also remained in the undisturbed possession of the United States' Government.

3. That it is a fact now held beyond denial or doubt that the taking of seals in the open sea rapidly leads to the extinction of the species, and that therefore nations not possessing the territory upon which seals can increase their numbers by natural growth should refrain from the slaughter of them in the open sea.

Mr. Blaine further argues that the law of the sea and the liberty which it confers do not justify acts which are immoral in themselves, and which inevitably tend to results against the interests and against the welfare of mankind; and he proceeds to justify the forcible resistance of the United States' Government by the necessity of defending not only their own traditional and long-established rights, but also the rights of good morals and of good government the world over.

He declares that while the United States will not withhold from any nation the privileges which they demanded for themselves when Alaska was part of the Russian Empire, they are not disposed to exercise in the possessions acquired from Russia any less power or authority than they were willing to concede to the Imperial Government of Russia when its sovereignty extended over them. He claims from friendly nations a recognition of the same rights and privileges on the lands and in the waters of Alaska which the same friendly nations always conceded to the Empire of Russia.

With regard to the first of these arguments, namely, that the seizure of the Canadian vessels in the Behring's Sea was justified by the fact that they were "engaged in a pursuit that is in itself *contra bonos mores*—a pursuit which of necessity involves a serious and permanent injury to the rights of the Government and people of the United States," it is obvious that two questions are involved: first, whether the pursuit and killing of fur-seals in certain parts of the open sea is, from the point of view of international morality, an offence *contra bonos mores*; and secondly, whether, if such be the case, this fact justifies the seizure on the high seas and subsequent confiscation in time of peace of the private vessels of a friendly nation.

It is an axiom of international maritime law that such action is only admissible in the case of piracy or in pursuance of special international agreement. This principle has been universally admitted by jurists, and was very distinctly laid down by President Tyler in his Special Message to Congress, dated the 27th February, 1843, when, after acknowledging the right to detain and search a vessel on suspicion of piracy, he goes on to say: "With this single exception, no nation has, in time of peace, any authority to detain the ships of another upon the high seas, on any pretext whatever, outside the territorial jurisdiction."

Now, the pursuit of seals in the open sea, under whatever circumstances, has never hitherto been considered as piracy by any civilized State. Nor, even if the United States had gone so far as to make the killing of fur-seals piracy by their Municipal

Law, would this have justified them in punishing offences against such Law committed by any persons other than their own citizens outside the territorial jurisdiction of the United States.

In the case of the Slave Trade, a practice which the civilized world has agreed to look upon with abhorrence, the right of arresting the vessels of another country is exercised only by special international agreement, and no one Government has been allowed that general control of morals in this respect which Mr. Blaine claims on behalf of the United States in regard of seal-hunting.

But Her Majesty's Government must question whether this pursuit can of itself be regarded as *contra bonos mores*, unless and until, for special reasons, it has been agreed by international arrangement to forbid it. Fur-seals are indisputably animals *feræ naturæ*, and these have universally been regarded by jurists as *res nullius* until they are caught; no person, therefore, can have property in them until he has actually reduced them into possession by capture.

It requires something more than a mere declaration that the Government or citizens of the United States, or even other countries interested in the seal trade, are losers by a certain course of proceeding, to render that course an immoral one.

Her Majesty's Government would deeply regret that the pursuit of fur-seals on the high seas by British vessels should involve even the slightest injury to the people of the United States. If the case be proved, they will be ready to consider what measures can be properly taken for the remedy of such injury, but they would be unable on that ground to depart from a principle on which free commerce on the high seas depends.

The second argument advanced by Mr. Blaine is that the "fur-seal fisheries of Behring's Sea had been exclusively controlled by the Government of Russia, without interference and without question, from their original discovery until the cession of Alaska to the United States in 1867," and that "from 1867 to 1886 the possession, in which Russia had been undisturbed, was enjoyed by the United States' Government also without interruption or intrusion from any source."

I will deal with these two periods separately.

First, as to the alleged exclusive monopoly of Russia. After Russia, at the instance of the Russian American Fur Company, claimed in 1821 the pursuits of commerce, whaling, and fishing from Behring's Straits to the 51st degree of north latitude, and not only prohibited all foreign vessels from larding on the coasts and islands of the above waters, but also prevented them from approaching within 100 miles thereof, Mr. Quincy Adams wrote as follows to the United States' Minister in Russia:—

"The United States can admit no part of these claims; their right of navigation and fishing is perfect, and has been in constant exercise from the earliest times throughout the whole extent of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions."

That the right of fishing thus asserted included the right of killing fur-bearing animals is shown by the case of the United States' brig "Loriot." That vessel proceeded to the waters over which Russia claimed exclusive jurisdiction for the purpose of hunting the sea-otter, the killing of which is now prohibited by the United States' Statutes applicable to the fur-seal, and was forced to abandon her voyage and leave the waters in question by an armed vessel of the Russian navy. Mr. Forsyth, writing on the case to the American Minister at St. Petersburg on the 4th May, 1837, said:—

"It is a violation of the rights of the citizens of the United States, immemorially exercised and secured to them as well by the law of nations as by the stipulations of the 1st Article of the Convention of 1824, to fish in those seas, and to resort to the coast for the prosecution of their lawful commerce upon points not already occupied."

From the speech of Mr. Sumner when introducing the question of the purchase of Alaska to Congress, it is equally clear that the United States' Government did not regard themselves as purchasing a monopoly. Having dealt with fur-bearing animals, he went on to treat of fisheries, and, after alluding to the presence of different species of whales in the vicinity of the Aleutians, said: "No sea is now *mare clausum*; all of these may be pursued by a ship under any flag, except directly on the coast or within its territorial limit."

I now come to the statement that from 1867 to 1886 the possession was enjoyed by the United States with no interruption and no intrusion from any source. Her Majesty's Government cannot but think that Mr. Blaine has been misinformed as to the history of the operations in Behring's Sea during that period.

The instances recorded in Inclosure 1 in this despatch are sufficient to prove, from

official United States' sources, that from 1867 to 1886 British vessels were engaged at intervals in the fur-seal fisheries, with the cognizance of the United States' Government. I will here, by way of example, quote but one.

In 1872 Collector Phelps reported the fitting-out of expeditions in Australia and Victoria for the purpose of taking seals in Behring's Sea, while passing to and from their rookeries on St. Paul and St. George Islands, and recommended that a steam-cutter should be sent to the region of Onnimak Pass and the Islands of St. Paul and St. George.

Mr. Secretary Boutwell informed him, in reply, that he did not consider it expedient to send a cutter to interfere with the operations of foreigners, and stated, "In addition, I do not see that the United States would have the jurisdiction or power to drive off parties going up there for that purpose, unless they made such attempt within a marine league of the shore."

Before leaving this part of Mr. Blaine's argument, I would allude to his remark, that "vessels from other nations passing from time to time through Behring's Sea to the Arctic Ocean in pursuit of whales have always abstained from taking part in the capture of seals," which he holds to be proof of the recognition of rights held and exercised first by Russia and then by the United States.

Even if the facts are as stated, it is not remarkable that vessels pushing on for the short season in which whales can be captured in the Arctic Ocean, and being fitted specially for the whale fisheries, neglected to carry boats and hunters for fur-seals, or to engage in an entirely different pursuit.

The whalers, moreover, pass through Behring's Sea to the fishing-grounds in the Arctic Ocean in April and May as soon as the ice breaks up, while the great bulk of the seals do not reach the Pribyloff Islands till June, leaving again by the time the closing-up of the ice compels the whalers to return.

The statement that it is "a fact now held beyond denial or doubt that the taking of seals in the open sea rapidly leads to their extinction" would admit of reply, and abundant evidence could be adduced on the other side. But as it is proposed that this part of the question should be examined by a Committee to be appointed by the two Governments, it is not necessary that I should deal with it here.

Her Majesty's Government do not deny that if all sealing were stopped in Behring's Sea except on the islands in possession of the lessees of the United States, the seal may increase and multiply at an even more extraordinary rate than at present, and the seal fishery on the islands may become a monopoly of increasing value; but they cannot admit that this is a sufficient ground to justify the United States in forcibly depriving other nations of any share in this industry in waters which, by the recognized law of nations, are now free to all the world.

It is from no disrespect that I refrain from replying specifically to the subsidiary questions and arguments put forward by Mr. Blaine. Till the views of the two Governments as to the obligations attaching, on grounds either of morality or necessity, to the United States' Government in this matter, have been brought into closer harmony, such a course would appear needlessly to extend a controversy which Her Majesty's Government are anxious to keep within reasonable limits.

The negotiations now being carried on at Washington prove the readiness of Her Majesty's Government to consider whether any special international agreement is necessary for the protection of the fur-sealing industry. In its absence they are unable to admit that the case put forward on behalf of the United States affords any sufficient justification for the forcible action already taken by them against peaceable subjects of Her Majesty engaged in lawful operations on the high seas.

"The President," says Mr. Blaine, "is persuaded that all friendly nations will concede to the United States the same rights and privileges on the lands and in the waters of Alaska which the same friendly nations always conceded to the Empire of Russia."

Her Majesty's Government have no difficulty in making such a concession. In strict accord with the views which, previous to the present controversy, were consistently and successfully maintained by the United States, they have, whenever occasion arose, opposed all claims to exclusive privileges in the non-territorial waters of Behring's Sea. The rights they have demanded have been those of free navigation and fishing in waters which, previous to their own acquisition of Alaska, the United States declared to be free and open to all foreign vessels.

That is the extent of their present contention, and they trust that, on consideration of the arguments now presented to them, the United States will recognize its justice and moderation.

I have to request that you will read this despatch to Mr. Blaine, and leave a copy of it with him should he desire it.

I am, &c.
(Signed) SALISBURY.

Inclosure in No. 336.

Memorandum.

IN 1870, Collector Phelps reported, "The barque 'Cyane' has arrived at this port (San Francisco) from Alaska, having on board forty-seven seal-skins." (See Ex. Doc. No. 83, 44th Congress, 1st Session.)

In 1872, he reported expeditions fitting out in Australia and Victoria for the purpose of taking seals in Behring's Sea, and was informed that it was not expedient to interfere with them.

In 1874, Acting Secretary Sawyer, writing to Mr. Elliott, Special Agent, said:—

"It having been officially reported to this Department by the Collector of Customs at Port Townsend, from Nea-ah Bay, that British vessels from Victoria cross over into American waters and engage in taking fur-seals (which, he represents, are annually becoming more numerous on our immediate coast) to the great injury of our sealers, both white and Indian, you will give such proper attention to the examination of the subject as its importance may seem to you, after careful inquiry, to demand, and with a view to a Report to the Department of all facts ascertained." (Ditto, May 4th, No. 117, p. 114.)

In 1875, Mr. McIntyre, Treasury Agent, described how "before proceeding to harsh measures" he had warned the Captain of the "Cygnets," who was shooting seals in Zapadne Bay, and stated that the Captain appeared astonished that he was breaking the law. (Ditto, March 15th, 1875, No. 130, p. 124.)

In 1880, the fur-seal trade of the British Columbia coast was of great importance. Seven vessels were then engaged in the fishery, of which the greater number were, in 1886 and 1887, seized by the United States' Government in Behring's Sea.

In 1884, Daniel and Alexander McLean, both British subjects, took the American schooner "San Diego" to Behring's Sea, and were so successful that they returned there in 1885, from Victoria, with the "Mary Ellen" and the "Favourite."

No. 337.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received May 23.)

(Telegraphic.)

Washington, May 22, 1890.

A STATEMENT appears in the newspapers to-day that after a Cabinet Council, held on Tuesday, it has been decided to reject the British counter-proposal, and instructions have been issued to the officer commanding the United States' Revenue cruiser "Bear," now lying at Seattle, similar to those of last year, with one exception, viz., that, instead of capturing, she is to dismantle all vessels found sealing in Behring's Sea, and to seize their log-books and skins as evidence in case of judicial proceedings being taken.

I went at once to Mr. Blaine, who did not deny these statements.

I remonstrated against the publication of such news before he had returned any reply to the proposals of Her Majesty's Government, and against the issue of such instructions while negotiations are pending.

In reply, he said that the press could not be controlled; that his answer was delayed in order to return a joint reply with Russia; that our draft Convention was quite inadequate to the necessities of the case. He inveighed against the words of Article VI, which purports to prescribe regulations on land, and urged that, as there would be no seals without the seal islands, the possession of those islands gave the United States special rights on the open sea, in order to enable them to protect the species. The United States' Government would never admit that, as regards the seal fishery, the rights of Great Britain in Behring's Sea were equal to their own. Nothing short of the total exclusion of sealing-vessels during the summer months, in which we proposed to leave the fisheries open, would satisfy them.

I strongly insisted that the sole ground of discussion was the preservation of the

seals, reminding him of his assurance at our last interview that the draft offered a basis of negotiation.

He replied that on that occasion he had in his mind the question of arbitration, but he did not think we would ever agree as to the form of questions to be submitted to arbitration.

I will not cease to press Mr. Blaine that our proposals may receive a formal reply.

No. 338.

Extract from the "Morning Post" of May 23, 1890.

THE BEHRING'S SEA FISHERIES.

[Reuter's Telegram.]

New York, May 21.

THE United States' Revenue cutter "Bear" has been ordered to cruize in the Behring's Sea for the protection of the seal fisheries, with instructions to seize and dismantle all vessels found violating the Statute, in order to deprive them of the means of its further violation. The vessel is also ordered to seize the logs and skins on board vessels found illegally fishing, and to preserve them as evidence against the offending persons.

No. 339.

The Marquis of Salisbury to Sir J. Pouncefote.

(Telegraphic.)

Foreign Office, May 23, 1890.

THIS morning's newspapers contain a paragraph which states, in substance, that the United States' Government have instructed some of their ships of war to proceed to Behring's Sea, with orders to take such steps as may be necessary to prevent the merchant-vessels of other nations from pursuing their calling as fur-sealers in non-territorial waters.

The communications made to you by Mr. Secretary Blaine, as recorded in your telegram of the 22nd instant, give a general confirmation of the statements of the press.

I have to instruct you to inform the Secretary of State that a formal protest against any such interference with British vessels is now being prepared, and that no time will be lost in forwarding it to him.

No. 340.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received May 23.)

(Telegraphic.)

Washington, May 23, 1890.

WITH reference to your Lordship's telegram of to-day's date, I have addressed a note to Mr. Blaine, as instructed by your Lordship.

No. 341.

The Marquis of Salisbury to Sir J. Pouncefote.

Sir,

Foreign Office, May 24, 1890.

YOU will receive by this mail my despatch of the 22nd instant, replying to the arguments urged by Mr. Blaine in his note of the 22nd January last in defence of the seizure of Canadian vessels by United States' Revenue cruisers in Behring's Sea.

Those arguments were not such as Her Majesty's Government could admit to be valid according to the established principles of international law, or sufficient to justify the acts complained of. The reply has been for some time in draft; but Her Majesty's Government were unwilling to introduce any unnecessary element of controversy into the negotiations in which you are engaged for the friendly settlement of the whole

question. I had, therefore, thought that a certain delay in the presentation of the despatch would not be disadvantageous.

The intelligence contained in your telegrams of the 22nd instant as to the dispatch of United States' cruisers to Behring's Sea, and the instructions with which they are provided, render it necessary that the communication should no longer be delayed. I have accordingly to request that you will at once place a copy of it in Mr. Blaine's hands.

I shall forward to you, as soon as its terms have been approved by the Queen and the Cabinet, a formal Protest, to be delivered to Mr. Blaine, against any such interference with British vessels outside the territorial waters of the United States, as appears to be contemplated in the instructions just issued. I need not say that it would be a cause of sincere satisfaction to Her Majesty's Government if a consideration of the arguments advanced in my despatch, and of those with which you will be able to supplement them, should induce the Government of the United States so to limit the action of their cruisers as to remove the occasion for such a Protest.

I am, &c.
(Signed) SALISBURY.

No. 342.

The Marquis of Salisbury to Sir J. Pouncefote.

Sir, *Foreign Office, May 29, 1890.*

I RECEIVED on the 23rd instant, and at once submitted to the Queen and the Cabinet, your telegrams of the previous day, reporting the instructions issued to the United States' Revenue cruisers in Behring's Sea for the approaching fishery season.

According to accounts given in the press, the accuracy of which is not denied by Mr. Blaine, these instructions are similar to those under which Canadian vessels were seized last summer outside the territorial waters of the United States, with this exception, that, instead of capturing vessels found sealing in Behring's Sea, the cruisers are to dismantle such vessels, and to seize their log-books and skins as evidence in case of judicial proceedings.

This modification, it is unnecessary to say, in no way removes the objections of Her Majesty's Government to such interference with British vessels on the high seas as contrary to international law and the practice of civilized nations.

They deeply regret this decision of the United States' Government, as likely, if persisted in, to produce the most serious complications, and to frustrate the efforts now being made to arrive at an agreement for the proper protection of the seal fisheries, and the settlement of the questions connected therewith.

Her Majesty's Government have no alternative, under the circumstances, but to protest formally and solemnly against any interference on the part of United States' cruisers with British vessels navigating outside the territorial jurisdiction of the United States, and to leave to the United States' Government the responsibility of the consequences if that protest is disregarded.

I accordingly inclose herewith the draft of a note which you will address to Mr. Blaine if you should unfortunately find that there is no intention of so modifying or restricting the action of the United States' cruisers as to render this step unnecessary.

I am, &c.
(Signed) SALISBURY.

Inclosure in No. 342.

Draft of Note to be addressed to Mr. Blaine.

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, &c., has the honour, by instructions of his Government, to make to Mr. Blaine, Secretary of State, &c., the following communication:

Her Britannic Majesty's Government have learned with great concern, from notices which have appeared in the press, and the general accuracy of which has been confirmed by Mr. Blaine's statements to the Undersigned, that the Government of the

United States have issued instructions to their Revenue cruisers about to be dispatched to Behring's Sea, under which the vessels of British subjects will again be exposed, in the prosecution of their legitimate industry on the high seas, to unlawful interference at the hands of American officers.

Her Britannic Majesty's Government are anxious to co-operate to the fullest extent of their power with the Government of the United States in such measures as may be found to be expedient for the protection of the seal fisheries. They are at the present moment engaged in examining, in concert with the Government of the United States, the best method of arriving at an agreement upon this point. But they cannot admit the right of the United States of their own sole motion to restrict for this purpose the freedom of navigation of Behring's Sea, which the United States have themselves in former years convincingly and successfully vindicated, nor to enforce their municipal legislation against British vessels on the high seas beyond the limits of their territorial jurisdiction.

Her Britannic Majesty's Government are therefore unable to pass over without notice the public announcement of an intention on the part of the Government of the United States to renew the acts of interference with British vessels navigating outside the territorial waters of the United States, of which they have previously had to complain.

The Undersigned is in consequence instructed formally to protest against such interference, and to declare that Her Britannic Majesty's Government must hold the Government of the United States responsible for the consequences that may ensue from acts which are contrary to the established principles of international law.

The Undersigned has the honour to renew to Mr. Blaine the assurances of his highest consideration.

No. 343.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received May 31.)

(Telegraphic.)

Washington, May 30, 1890.

I RECEIVED last night from the Secretary of State a long note, copy of which I have sent by bag to-day, on the question of the negotiations for a close season in the Behring's Sea.

The note commences by a protest against the course alleged to be pursued by Her Majesty's Government in "authorizing, encouraging, and protecting" British vessels, who, it maintains, are interfering with the rights of the United States and those of the whole civilized world by taking seals in that sea.

The history of the negotiations for a close season from their commencement is reviewed in the note, which then goes on to inveigh strongly against the change of position taken by Her Majesty's Government in the negotiations, which change, the Secretary of State maintains, has been brought about by the "interposition of Canada." Mr. Blaine then points out that the arrangements which were proposed in 1888 relative to a close season, and those which were proposed in the draft Convention, must be considered to be "in significant contrast." Moreover, the latter are, in the opinion of the United States' Government, quite inadequate to protect the rights of the United States in the Behring's Sea. They are equally insufficient for the preservation of seal life.

The United States and Russia have consequently no other course but to reject our proposals. The negotiations will, however, be continued by the United States' Government in the hope that a satisfactory agreement may be arrived at, although it is too late, the note says, for the application of any result, which may be reached, to this season. Mr. Blaine maintains that the responsibility of the delays which have occurred cannot be laid to the charge of his Government.

The note contains at the conclusion a proposal on the part of the United States' Government that with the view of avoiding any interruption of the negotiations by any "untoward events," all British vessels shall be prevented by Her Majesty's Government from entering the Behring's Sea.

No. 344.

The Marquis of Salisbury to Sir J. Pouncefote.

(Telegraphic.)

Foreign Office, May 31, 1890.

IN reply to your telegram of the 30th instant, I have to state that it is impossible, on grounds both of law and of policy, for Her Majesty's Government to accept Mr. Blaine's suggestion that British sealing-ships should be forbidden to enter the Behring's Sea.

No. 345.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received June 3.)

My Lord,

Washington, May 23, 1890.

WITH reference to my telegram of yesterday's date, I have the honour to inclose herewith extracts from the "New York Herald" and the "New York Evening Post" relative to the instructions given to the Revenue cutter "Bear," and to the report that the Cabinet had decided to reject the Behring's Sea proposal.

Your Lordship will observe that in the account of the alleged interview with the correspondent of the "Evening Post," the Secretary of the Treasury is reported to have denied ever having seen the British proposal, which throws some doubt upon the statement in the "Herald," that the Cabinet had refused to accept the proposal.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure 1 in No. 345.

Extract from the "New York Evening Post" of May 22, 1890.

THE BEHRING'S SEA QUESTION.

What Secretary Windom says of a Current Report.

[Special Despatch to the "Evening Post."]

Washington, May 22, 1890.

SECRETARY WINDOM was asked this morning what truth there was in the report telegraphed from here last night, that he had taken a decisive stand in the Cabinet meeting yesterday against the acceptance of the British Behring's Sea proposal.

"I have not read the despatch," he answered. "I consequently cannot plead to the indictment."

"Did you authorize the statement, then, that you did not oppose the acceptance of the proposal?"

"What is the nature of the proposal said to be?" he asked, in reply.

"That is not given."

"No British proposal," he then said, "has been submitted to me. I am here simply to enforce the law, and I am trying to do so. But, naturally, I do not care to discuss the matter till I have had a chance to see of what I am accused."

The instructions given to the Commander of the Revenue cutter "Bear" respecting the capture of sealing-vessels in Alaskan waters are identical with those of last year, except that captured vessels are to be dismantled, so as to prevent any repetition of the offence during the season. The Commander is to warn all persons against entering Behring's Sea for the purpose of violating the laws of the United States therein, and particularly the law which provides that no person shall kill any fur seal "within the limits of Alaska territory or the waters thereof." What those limits are has not been defined. The British Columbian sealers hold that they are the waters within 3 miles of any land of Alaska territory. Do we hold the contrary? Not so far as any

authentic documentary evidence has been submitted. Not so far as either Congress or the President has declared. We have not gone to the length of laying down one rule for Behring's Sea and a different one for the Gulf of St. Lawrence. It would seem, therefore, that the Government has put into the discretion of the Commander of a Revenue cutter a question of extreme gravity which it has not ventured to decide for itself, and that upon his decision may rest issues of vast importance. Of course, no discussion of the Behring's Sea question of any value will be possible until the negotiations between Secretary Blaine and Sir Julian Pauncefote are made public.

Inclosure 2 in No. 345.

Extract from the "New York Herald" of May 22, 1890.

GREAT EXCITEMENT IN CANADA.

[From our Regular Correspondent.]

*"Herald" Bureau, corner of Fifteenth and G Streets, N.W.,
Washington, May 21, 1890.*

I LEARN that at the Cabinet meeting yesterday it was decided to reject the British proposition submitted three weeks ago for a settlement of the Behring's Sea question.

Secretary Windom, as I am informed, was decidedly opposed to the acceptance of the proposal—first, because its provisions were deemed by him entirely inadequate to secure the professed object of preserving seal life in Behring's Sea, and, second, because it virtually ignored the established position of the United States in that sea arising out of its ownership of the partially surrounding shores and of a part of the islands within the sea; the possession of a universally recognized boundary-line which included in the cession to the United States the very part of the sea wherein alone this country has sought to exercise a territorial jurisdiction; the inheritance from Russia of a continuous claim of jurisdiction never directly questioned nor successfully assailed, and the undoubted right that the United States has to exercise a reasonable police jurisdiction to protect its own property and interests in Behring's Sea, and secure to itself the natural use and profit thereof.

Secretary Blaine did not advocate an acceptance of the proposal, and thought it probable that further negotiations would abate the Canadian contentions and improve the position of the United States. The British proposal, being without support from either of the two Departments immediately concerned with it, necessarily met with rejection, a like fate with that which overtook the preceding American proposal in the Council of the Governor-General of Canada.

I understand that in neither case was an acceptance of the proposal anticipated by the party submitting it, but that the only result expected from the exchange of proposals was the bringing of the parties a little nearer together by the elimination of some of the points of difference.

To some extent, according to my information, this expectation has been realized, so that the negotiations are really in a better state, notwithstanding the reflection of the counter-proposals than at the beginning.

The Next Step.

I am advised that the next step in the negotiations will be the discussion and settlement of the details connected with the creation of a Joint Commission of experts to prepare and submit to the two Governments a full and particular project as the basis of a Treaty by which the whole question can be permanently settled. It is possible that the Government of Russia may be directly represented in this Commission of experts, but that is a matter which has not yet received any consideration, and is altogether likely to be governed by the wishes of that Government at the proper time.

In any and all events, there is a confident expectation that a Treaty can be framed in time for submission to the Senate immediately upon the opening of the second Session of the present Congress.

Enforcing a Closure.

The more important question for the Cabinet yesterday was that of the *ad interim* policy to be pursued in Behring's Sea with immediate reference to the sealing season, which will be in full headway by the end of this month. The Treasury view was that, inasmuch as the British Government had admitted a close season to be necessary to the preservation of the seals and the just interest of the United States, and had offered as part of its proposal a radius around the seal islands to protect the female seals from attacks while obtaining food in the waters adjacent to the Rookery Islands, it would be admissible and proper to enforce by warning, and by restraint after warning had proved ineffectual in any case, such a closure during the present season, relying upon the good sense and disposition of the British Government to acquiesce in measures so entirely reasonable and merely provisional.

This view prevailed, it being a practical and substantial acceptance of the *modus vivendi* voluntarily tendered by the British Government in company with its rejected proposal. The Commanders of the cruising vessels will be emphatically enjoined to refrain, so far as possible within the lines of their instructions, from any conduct toward the British sealers whom they meet with that can be made the occasion of just complaint or resentment.

These instructions will be communicated to the British Government in order that the Canadian authorities may take any action they may deem advisable toward the common end of maintaining peace and amity from now till the close of the season.

Orders to the "Bear" to proceed to Behring's Sea and seize all Vessels engaged in Unlawful Acts.

Washington, May 21, 1890.

Secretary Windom to-day signed the Sailing Orders of the Revenue-cutter "Bear," now at Seattle, Washington, directing that she sail immediately to Ounalaska and then to cruise diligently in Behring's Sea for the purpose of warning all persons against entering such waters for the purpose of violating section 1956 of the Revised Statutes, and arresting all persons and seizing all vessels found to be or to have been engaged in any violation of the laws of the United States therein.

Section 1956, Revised Statutes, referred to above, provides that "no person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal within the limits of Alaska territory or in the waters thereof, and every person guilty thereof shall, for each offence, be fined not less than 200 dollars, nor more than 1,000 dollars, or imprisoned not more than six months, or both, and all vessels, their tackle, apparel, furniture, and cargo found engaged in violation of this section shall be forfeited, but the Secretary of the Treasury shall have power to authorize the killing of any such otter, mink, marten, sable, or other fur-bearing animal except fur seals, under such Regulations as he may prescribe, and it shall be the duty of the Secretary to prevent the killing of any fur seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law, nor shall he grant any special privileges under this section."

The Commander of the "Bear" is also furnished with copies of the President's last Proclamation on this subject and the Act of the 2nd March, 1889, regarding the seal and salmon fisheries of Alaska.

Dismantling the Law Breakers.

The instructions, while not differing materially from those of last year, are much more specific in character. Efforts will be made to avoid a repetition of last year's experience with foreign vessels seized for violations of law. In two or three cases the vessels were placed in charge of a prize crew consisting of one man, and, as a result, never reached the port where he was ordered to take them. While it will be equally impossible now to increase the size of the prize crews, an effort will be made to accomplish the same result in another way. According to the present instructions, it is understood that all vessels found violating the law will be dismantled and deprived of all means of further violations. Their logs and all skins are also to be seized and preserved as evidence against them. With the exception of certain details as to the enforcement of the law there is, however, no change in the general policy of the administration on this question.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received June 3.)

My Lord,

Washington, May 23, 1890.

IMMEDIATELY upon reading in the newspapers of yesterday the announcement (which I at once telegraphed to your Lordship) that the United States' Cabinet had decided to reject the counter-proposal of Her Majesty's Government for the settlement of the Behring's Sea question, and that they had issued orders to their Revenue cruisers to prevent all vessels from engaging in the sealing-industry in those waters, I called on the Secretary of State and inquired whether the announcement was correct. Mr. Blaine did not deny its accuracy, and defended the action of the Treasury in regard to their instructions to the Revenue cruisers, which he said were issued pursuant to an Act of Congress.

I objected that no Act of Congress authorized interference with foreign vessels on the high seas. It was a misconstruction of the Act so to apply its provisions. I remonstrated against the publication in the press of the decision of his Government on the proposals of Her Majesty's Government before any reply had been returned to those proposals, and I complained of the issue of the orders reported to have been given to the Revenue cruisers while the negotiations were still pending, contrary to the assurance given by him in his note to me of the 24th March last. Mr. Blaine replied to the effect that it was not possible to guard against the publication in the press of news of such public interest; that his answer to the British proposals, which he had promised to send to me last week, had been delayed, as he now proposed that it should be in the form of a joint reply from his Government and that of Russia; and that, as regards the orders to the Revenue cruisers, they were the natural consequence of the rejection of the proposals which I had submitted to the Conference. Those proposals he proceeded to criticize as totally inadequate to the necessities of the case, and he animadverted upon the words in Article VI of the draft Convention, which purport to prescribe Regulations on land.

I pointed out to him that the draft Convention afforded the most ample protection to seal life by prohibiting pelagic sealing during the periods of migration to and from the Rookeries, and by establishing a radius around the Seal Islands to prevent the surreptitious landing of marauders. Moreover, it supplied the most complete machinery for arriving at a final decision as to what regulations should be adopted for the preservation of the seal species.

Mr. Blaine then urged that the United States, by the possession of the Seal Islands, had acquired special rights in Behring's Sea as regards the seal fishery. He said that the United States' Government could never admit that Great Britain had rights equal to their own in that sea, and that they would not be satisfied with anything less than the total exclusion of all sealing vessels from Behring's Sea during the summer months in which Her Majesty's Government proposed that the fishery should be open. I reminded Mr. Blaine that the sole question was the preservation of the seal species. I urged that the draft Convention made ample provision for that purpose. That as regarded the claim which he advocated on behalf of his Government to special rights beyond the territorial waters of Behring's Sea, it rested on novel doctrines entirely opposed to the law and practice of nations. I also reminded him that he had quite recently informed me that the draft Convention, though not acceptable to his Government in its present form, afforded a basis of settlement. Mr. Blaine replied that he had at that time in his mind the provision relating to arbitration; but he doubted whether the two Governments could ever come to terms as to the form of the questions to be submitted for decision.

My interview here came to an end, Mr. Blaine having an appointment with the President which compelled him to leave for the White House.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received June 3.)

My Lord,

Washington, May 23, 1890.

IN compliance with the instructions contained in your Lordship's telegram of to-day, I have the honour to inclose copy of a note which I have addressed to

Mr. Blaine, in which I have informed him that a formal protest by Her Majesty's Government against any interference with British vessels in Behring's Sea will be forwarded to him without delay.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 347.

Sir J. Pouncefote to Mr. Blaine.

Sir,

Washington, May 23, 1890.

I HAVE the honour to inform you that a statement having appeared in the newspapers, to the effect that United States' Revenue cruisers have received orders to proceed to Behring's Sea for the purpose of preventing the exercise of the seal-fishery by foreign vessels in non-territorial waters, and that statement having been confirmed yesterday by you, I am instructed by the Marquis of Salisbury to state to you that a formal protest, by Her Majesty's Government, against any such interference with British vessels, will be forwarded to you without delay.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 348.

The Marquis of Salisbury to Sir J. Pouncefote.

(Telegraphic)

Foreign Office, June 3, 1890.

INFORMATION has reached Her Majesty's Government that about twenty-three British vessels have already cleared from ports in British North America for the seal fishing.

All question, therefore, of stopping them, even if Her Majesty's Government considered it expedient to do so, is at an end.

No. 349.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received June 7.)

(Telegraphic.)

Washington, June 7, 1890.

MR. BLAINE having inquired, on behalf of the President, whether with a view to a friendly settlement by arbitration Her Majesty's Government would consent to the total exclusion of British sealers for the present season from Behring's Sea, I replied at once that this proposal could not be entertained, as apart from other considerations which I explained there was no legal power to enforce such exclusion.

My answer has elicited a long note expressing the President's regret that his most friendly and considerate proposal for adjusting all troubles connected with the Behring's Sea question should be rejected so promptly.

With reference to a statement made by me to the effect that the further examination of the question had satisfied Her Majesty's Government that total exclusion went beyond the requirements of the case, the note states that until the receipt of my reply the United States' Government had never been informed that any other objection to the proposal was entertained by your Lordship than that assigned by you when you abruptly closed the negotiations in London, viz., that Canada would not consent to it. It observes any privileges conferred on Canadian sealers must be extended at once to American vessels, and that our proposed radius of 10 miles would expose female seals to be slaughtered by hundreds of thousands.

"The President does not conceal his disappointment that even for the sake of securing arbitration, Her Majesty's Government refuses to suspend for a single season the practice which your Lordship described in 1888 as the wanton destruction of a valuable industry, and which the United States' Government has uniformly regarded as an unprovoked invasion of its established rights."

I have declined in my acknowledgment of the note to continue the correspondence until I receive further instructions, especially as the views of Her Majesty's Govern-

ment are clearly explained in your Lordship's despatch of the 22nd ultimo, which I read to the Secretary of State only a few hours before his note reached me.

No. 350.

Sir J. Parncefote to the Marquis of Salisbury.—(Received June 7.)

(Telegraphic.)

Washington, June 7, 1890.

MR. BLAINE has postponed our interview arranged for this morning.

I will endeavour to meet him in the course of to-morrow.

No. 351.

The Marquis of Salisbury to Sir J. Parncefote.

(Telegraphic.)

Foreign Office, June 7, 1890.

I REGRET to learn from your telegram of the 7th instant that the President should think I am wanting in conciliation in the Behring's Sea negotiations. I think, however, that he misunderstands the conditions of our law.

There is no power whatever which would enable Her Majesty's Government to exclude British or Canadian vessels from any part of the high seas for however short a period of time without first obtaining, in the one case, an Act of the British Parliament, and in the other one, of the Canadian Parliament.

We have always been willing, without pledging ourselves to details as to area and date, to negotiate with the hope of coming to an arrangement for the establishment of a close season so far as necessary to preserve the fur-seal species, but its provisions would require the sanction of the respective Legislatures.

I do not recognize the expressions which are apparently attributed to me in Mr. Blaine's note.

I do not think I used them, not at all events in the context stated in the note.

No. 352.

Sir J. Parncefote to the Marquis of Salisbury.—(Received June 9.)

My Lord,

Washington, May 29, 1890.

WITH reference to my despatch of the 23rd instant, I have the honour to inclose copy of a note which I have received from Mr. Blaine in reply to my communication of the 23rd instant, in which I informed him that a formal protest by Her Majesty's Government against any interference with British vessels in Behring's Sea would be forwarded to him without delay.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 352.

Mr. Blaine to Sir J. Parncefote.

Sir,

Department of State, May 26, 1890.

I HAVE the honour to acknowledge the receipt of your note of the 23rd instant, in which you inform me that Her Britannic Majesty's Government will formally protest against certain action recently taken by this Government for the protection of the Alaska seal fisheries.

I have, &c.

(Signed) J. G. BLAINE.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received June 9.)

My Lord,

Washington, May 30, 1890.

WITH reference to my telegram of to-day's date, I have the honour to inclose copy of the note which I have received from Mr. Blaine, informing me of the rejection of the draft Convention by his Government and that of Russia, and stating the grounds for that decision.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 353.

Mr. Blaine to Sir J. Pouncefote.

Sir,

Department of State, May 29, 1890.

YOUR note of the 23rd instant, already acknowledged, informs this Government that you "have been instructed by the Marquis of Salisbury to state that Her Majesty's Government would forward, without delay, a protest" against the course which this Government has found it necessary, under the laws of Congress, to pursue in the waters of the Behring's Sea.

In turn, I am instructed by the President to protest against the course of the British Government in authorizing, encouraging, and protecting vessels which are not only interfering with American rights in the Behring's Sea, but which are doing violence as well to the rights of the civilized world. They are engaged in a warfare against seal life, disregarding all the Regulations which lead to its protection, and committing acts which lead ultimately to its destruction, as has been the case in every part of the world where the abuses which are now claimed as British rights have been practised.

The President is surprised that such protest should be authorized by Lord Salisbury, especially because the previous declarations of his Lordship would seem to render it impossible. On the 11th November, 1887, Lord Salisbury, in an official interview with the Minister from the United States (Mr. Phelps), cordially agreed that "a Code of Regulations should be adopted for the preservation of the seals in Behring's Sea from destruction at improper times, by improper means, by the citizens of either country." And Lord Salisbury suggested that Mr. Phelps "should obtain from his Government, and submit to him (Lord Salisbury), a sketch of a system of Regulations which would be adequate for the purpose." Further interviews were held during the following month of February (1888) between Lord Salisbury and the American Minister, and between Lord Salisbury and the American Minister, accompanied by the Russian Ambassador. In answer to Lord Salisbury's request, Mr. Phelps submitted the "Regulations" which the Government of the United States desired; and in a despatch of the 25th February Mr. Phelps communicated the following to Mr. Bayard, Secretary of State:—

"Lord Salisbury assents to your proposition to establish, by mutual arrangement between the Governments interested, a close time for fur-seals, between the 15th April and the 1st November and between 160° of longitude west and 170° of longitude east, in the Behring's Sea. And he will cause an Act to be introduced into Parliament to give effect to this arrangement so soon as it can be prepared. In his opinion, there is no doubt that the Act will be passed.

"He will also join the United States' Government in any preventive measures it may be thought best to adopt, by orders issued to the naval vessels of the respective Governments in that region."

Early in April (1888) the Russian Ambassador in London, M. de Staal, advised the American Chargé "that the Russian Government would like to have the Regulations which might be agreed upon for the Behring's Sea extended to that portion of the latter in which the Commander Islands are situated, and also to the Sea of Okhotsk, in which Robben Island is situated." On the 16th April, at Lord Salisbury's invitation, the Russian Ambassador and Mr. White (the American Chargé), Mr. Phelps being absent from London, met at the Foreign Office "for the purpose of discussing with Lord Salisbury the details of the proposed Conventional arrangement for the protection of seals in Behring's Sea."

"With a view to meeting the Russian Government's wishes respecting the waters surrounding Robben Island, his Lordship suggested that beside the whole of Behring's Sea, those portions of the Sea of Okhotsk and of the Pacific Ocean north of north latitude 47° should be included in the proposed arrangement. His Lordship intimated, furthermore, that the period proposed by the United States for a closed time, from the 15th April to the 1st November, might interfere with the trade longer than absolutely necessary for the protection of seals, and he suggested the 1st October, instead of a month later, as the termination of the period of seal protection." Furthermore, Lord Salisbury "promised to have a draft Convention prepared for submission to the Russian Ambassador and the American Minister."

On the 23rd April, the American Chargé was informed by Lord Salisbury that "it is now proposed to give effect to a Seal Convention by Order in Council, not by Act of Parliament." It was understood that this course was proposed by Lord Salisbury in order that the "Regulations" needed in Behring's Sea might be promptly applied.

You will observe, then; that from the 11th November, 1887, to the 23rd April, 1888, Lord Salisbury had in every form of speech assented to the necessity of a close season for the protection of the seals.

The shortest period which he named was from the 15th April to the 1st October—five and a-half months. In addition, his Lordship suggested that the closed sea for the period named should include the whole of the Behring's Sea, and should also include such portion of the Sea of Okhotsk as would be necessary to protect the Russian seal fishery on Robben Island; that the closed season be extended as far south as 47° north latitude, 120 miles south of the northern boundary of the United States on the Pacific Ocean. He promised, further, to draft a Convention upon the subject between England, Russia, and the United States.

These assurances were given to the American Minister, to the American Chargé, to the Russian Ambassador, and on more than one occasion to two of them together. The United States had no reason, therefore, to doubt that the whole dispute touching the seal fisheries was practically settled. Indeed, to have distrusted it would have been to question the good faith of Lord Salisbury. In diplomatic intercourse between Great Britain and the United States, be it said to the honour of both Governments, a verbal assurance from a Minister has always been equal to his written pledge. Speaking the same language, there has been no room for misunderstanding between the Representatives of the two Governments, as may easily happen between those of different tongues. For a period of six months, therefore, without retraction or qualification, without the suggestion of a doubt or the dropping of a hint, the understanding between the two Governments, on the assurance of Lord Salisbury, was as complete as language could make it.

On the 28th April, five days after Lord Salisbury's last pointed assurance, five days after he had proposed to perfect the scheme, not by the delay of Parliament, but by the promptness of an Order in Council, the American Chargé was informed that the Act of Parliament would be necessary in addition to the Order in Council, and that neither Act nor Order could be drafted "until Canada is heard from."

For several weeks following the 28th April, there were many calls by the American Chargé at the Foreign Office to learn whether "Canada had been heard from." He called alone, and called in company with the Russian Ambassador. Finally, on the 20th June, Lord Salisbury told him that an urgent telegram had been "sent to Canada a week ago with respect to the delay in its expedition," and that a reply had been "received by the Secretary of State for the Colonies, saying that the matter will be taken up immediately." Mr. White, relying entirely upon these assurances, ventured to "hope that shortly after Mr. Phelps' return the British Government will be in a condition to agree upon the terms of the proposed Convention."

Mr. Phelps returned to London on the 22nd June, two days after Mr. White's interview with Lord Salisbury, and immediately after the urgent telegram had been sent to Canada.

On the 28th July, Mr. Phelps had received no assurances from Lord Salisbury, and telegraphed the Department of State his "fear that owing to Canadian opposition we shall get no Convention." In a despatch to his Government of the 12th September he related having had interviews with Lord Salisbury respecting the Convention, which he says had been "virtually agreed upon except in its details." Mr. Phelps goes on to say: "The consideration of it has been suspended for communication by the British Government with the Canadian Government, for which purpose an interval of several months had been allowed to elapse. During this long interval the attention

of Lord Salisbury had been repeatedly called to the subject by the American Legation, and on those occasions the answer received from him was that no reply from the Canadian authorities had arrived!"

Mr. Phelps proceeds in the despatch of the 12th September to say: "I again pressed Lord Salisbury for the completion of the Convention, as the extermination of seals by Canadian vessels was understood to be rapidly proceeding. His Lordship, in reply, did not question the propriety or the importance of taking measures to prevent the wanton destruction of so valuable an industry, in which, as he remarked, England had a large interest of its own, but his Lordship stated that the Canadian Government objected to any such restrictions, and that until its consent could be obtained Her Majesty's Government was not willing to enter into the Convention." It was thus finally acknowledged that the negotiation into which Lord Salisbury had cordially entered, and to which he had readily agreed, even himself suggesting some of its most valuable details, was entirely subordinated to the judgment and desire of the Canadian Government. This Government cannot but feel that Lord Salisbury would have dealt more frankly if in the beginning he had informed Minister Phelps that no arrangement could be made unless Canada concurred in it, and that all negotiation with the British Government direct was but a loss of time.

When you, Mr. Minister, arrived in this country a year ago, there seemed the best prospect for a settlement of this question, but the Russian Minister and the American Secretary of State have had the experience of Mr. Phelps and the Russian Ambassador in London repeated. In our early interviews, there seemed to be as ready a disposition on your part to come to a reasonable and friendly adjustment as there certainly has always been on our part to offer one. You will not forget an interview between yourself, the Russian Minister, and myself, in which the lines for a close season in the Behring's Sea laid down by Lord Salisbury were almost exactly repeated by yourself, and were inscribed on Maps which were before us, a copy of which is in the possession of the Russian Minister, and a copy also in my possession. A prompt adjustment seemed practicable, an adjustment which I am sure would have been honourable to all the countries interested. No obstacles were presented on the American side of the question. No insistence was made upon the Behring's Sea as *mare clausum*; no objection was interposed to the entrance of British ships at all times, on all commercial errands, through all the waters of the Behring's Sea. But our negotiations, as in London, were suddenly broken off for many weeks by the interposition of Canada. When correspondence was resumed on the last day of April, you made an offer for a Mixed Commission of Experts to decide the questions at issue.

Your proposition is that pelagic sealing should be prohibited in the Behring's Sea during the months of May, June, October, November, and December, and that there should be no prohibition during the months of July, August, and September. Your proposition involved the condition that British vessels should be allowed to kill seals within 10 miles of the coast of the Pribylov Islands. Lord Salisbury's proposition of 1888 was that, during the same months for which the 10-mile privilege is now demanded, no British vessel hunting seals should come nearer to the Pribylov Islands than the 47th parallel of north latitude about 600 miles.

The open season which you thus select for killing is the one when the areas around the breeding islands are most crowded with seals, and especially crowded with female seals, going forth to secure food for the hundreds of thousands of their young, of which they have recently been delivered. The destruction of the females, which, according to expert testimony, would be 95 per cent. of all which the sealing vessels might readily capture, would inflict deadly loss upon the rookeries. The destruction of the female would be followed by the destruction of their young on the islands, and the herds would be diminished the next year by this wholesale slaughter of the producing females and their offspring. The 10-mile limit would give the marauders the vantage ground for killing the seals that are in the water by tens of thousands searching for food. The opportunity, under cover of fog and night, for stealing silently upon the islands and slaughtering the seals within a mile or even less of the keepers' residence, would largely increase the aggregate destruction. Under such conditions, the British vessels could evenly divide with the United States within the 3-mile limit of its own shores, and upon the islands themselves, the whole advantage of the seal fisheries. The respect which the sealing vessels would pay to the 10-mile limit would be the same that wolves pay to a flock of sheep so placed that no shepherd can guard them. This arrangement, according to your proposal, was to continue for three months of each year, the best months in the season for depredations upon the

seal herd. No course was left to the United States or to Russia but to reject the proposition.

The propositions made by Lord Salisbury in 1888, and the propositions made by Her Majesty's Minister in Washington in 1890, are in significant contrast. The circumstances are the same, the conditions are the same, the rights of the United States are the same, in both years. The position of England has changed, because the wishes of Canada have demanded the change. The result then with which the United States is expected to be content is, that her rights within the Behring's Sea and on the islands thereof are not absolute, but are to be determined by one of Her Majesty's provinces.

The British Government would assuredly and rightfully complain if an agreement between her [*sic*] Representative and the Representative of the United States should, without notice, be broken off by the United States, on the ground that the State of California was not willing that it should be completed. California has a Governor chosen independently of the Executive power of the National Government. Canada has a Governor appointed by the British Crown. The Legislature of California enacts laws with which the Executive power of the United States has no right whatever to interfere; Canada enacts laws with which the Executive power of Great Britain can interfere so far as absolutely to annul. Can the Government of the United States be expected to accept as final a decision of the Government of Great Britain that an agreement with the United States cannot be fulfilled because the Province of Canada objects!

This review of the circumstances which led to the present troubles on the Behring's Sea question has been presented by direction of the President, in order to show that the responsibility does not rest with this Government. The change of policy made by Her Majesty's Government without notice, and against the wish of this Government, is, in the President's belief, the cause of all the differences that have followed.

I am further instructed by the President to say, that while your proposals of the 30th April cannot be accepted, the United States will continue the negotiation in hope of reaching an agreement that may conduce to a good understanding, and leave no cause for future dispute. In the President's opinion, owing to delays for which this Government is not responsible, it is too late to conclude such negotiation in time to apply its result the present season. He, therefore, proposes that Her Majesty's Government agree not to permit the vessels (which, in his judgment, do injury to the property of the United States) to enter the Behring's Sea for this season, in order that time may be secured for negotiation that shall not be disturbed by untoward events, or unduly influenced by popular agitation. If this offer be accepted, the President believes that before another season shall open the friendly relations existing between the two countries, and the mutual desire to continue them, will lead to Treaty stipulations which shall be permanent, because just and honourable to all parties.

I have, &c.

(Signed) JAMES G. BLAINE.

No. 354.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received June 11.)

(Telegraphic.)

Washington, June 10, 1890.

AS reported in my telegram of the 7th instant, my interview with Mr. Blaine arranged for that day was postponed, and, not having received any further communication from him, I called at his house yesterday. He then informed me that the President was unwilling that he should proceed with the negotiations until he had answered your Lordship's despatch of the 22nd ultimo, of which I left a copy with him on the 5th. He wished especially to send a reply on the charge that the United States' Government were now claiming a right which they had disputed when asserted by Russia before the cession of Alaska. Mr. Blaine promised me this reply before the end of the week, after which he would be ready to resume our interviews.

I complained of the delay, pointing out the danger of "some untoward event," and again urged him to give me an assurance that while the negotiations were continuing there should be no interference with our vessels; such assurance he declined to give, but he said there was little likelihood of anything of the kind happening before July.

I think that the protest contained in your Lordship's despatch of the 29th May should be sent in before the Revenue cutters are beyond the reach of instructions.

Subject to your Lordship's approval, I propose to send in the protest on the 14th instant, informing Mr. Blaine that I have deferred doing so until the last moment.

No. 355.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received June 11.)

(Telegraphic.)

Washington, June 10, 1890.

At the interview with Mr. Blaine mentioned in my immediately preceding telegram, referring to his note of the 4th instant,* I stated that your Lordship regretted that the President should think you wanting in conciliation, that this was probably due to his being unaware that by British law legislation was necessary before any British vessel could be excluded from any part of the high seas.

Legislative sanction was also required for any measures necessary for the preservation of the seal species, and Her Majesty's Government have always been willing to negotiate for the adoption of such measures.

As regards the expressions attributed to your Lordship by Mr. Blaine in his note, I informed him that you did not recognize them, and that you certainly did not think you could have used them in the context mentioned.

No. 356.

Sir J. Pouncefote to the Marquis of Salisbury.—(Substance telegraphed, June 11.)

My Lord,

Washington, June 11, 1890.

I HAVE the honour to inclose copy of the note from Mr. Blaine referred to in my telegram of to-day, together with a copy of the reply which I have returned thereto.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure 1 in No. 356.

Mr. Blaine to Sir J. Pouncefote.

Sir,

Washington, June 11, 1890.

I HAVE shown to the President the extract from the telegram of Lord Salisbury of the 9th June, in which his Lordship states that "it is beyond the power of Her Majesty's Government to exclude British or Canadian ships from any portion of the high seas, even for an hour, without legislative sanction."

Not stopping to comment upon the fact that his Lordship assumes the waters surrounding the Pribyloff Islands to be "the high seas," the President instructs me to say that it would satisfy this Government if Lord Salisbury would, by public Proclamation, simply request that vessels sailing under the British flag should abstain from entering the Behring's Sea for the present season. If this request shall be complied with, there will be full time for impartial negotiations, and, as the President hopes, for a friendly conclusion of the differences between the two Governments.

I have, &c.

(Signed) JAMES G. BLAINE.

Inclosure 2 in No. 356.

Sir J. Pouncefote to Mr. Blaine.

Sir,

Washington, June 11, 1890.

I HAVE the honour to acknowledge your note of this day with reference to the passage in a telegram from the Marquis of Salisbury which I communicated to you at our interview of the 9th instant, to the effect that "it is beyond the power of Her Majesty's Government to exclude British or Canadian ships from any portion of the high seas, even for an hour, without legislative sanction."

* See Inclosure 1 in No. 363.

You inform me that without commenting on the fact that his Lordship assumes the waters surrounding the Pribyloff Islands to be the high seas, the President instructs you to say that it would satisfy your Government if Lord Salisbury would, by public Proclamation, simply request that vessels sailing under the British flag should abstain from entering the Behring's Sea for the present season. You add, if this request shall be complied with, there will be full time for impartial negotiations, and, as the President hopes, for a friendly conclusion of the differences between the two Governments.

I have telegraphed the above communication to Lord Salisbury, and I await his Lordship's instructions thereon. In the meanwhile, I take this opportunity of informing you that I reported to his Lordship by telegraph that at the same interview I again pressed you for an assurance that British sealing-vessels would not be interfered with in the Behring's Sea by United States' Revenue cruisers while the negotiations continued, but you replied that you could not give such assurance.

I trust this is not a final decision, and that, in the course of the next few days, while there is yet time to communicate with the Commanders, instructions will be sent to them to abstain from such interference.

It is in this hope that I have delayed delivering the formal protest of Her Majesty's Government announced in my note of the 23rd May.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 357.

The Marquis of Salisbury to Sir J. Pauncefote.

(Telegraphic.)

Foreign Office, June 11, 1890.

IN reply to your telegram of yesterday, you may present the Protest.

No. 358.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received June 12.)

(Telegraphic.)

Washington, June 11, 1890.

REFERRING to my previous telegram of to-day, I presume that Her Majesty's Government have no objection to refer to arbitration the question of the legal right of the United States' Government to exclude British sealing-vessels from Behring's Sea.

If this be so, I should be glad to know whether they would consent that the proposed Proclamation should be issued on the express conditions that the United States' Government shall not interfere with our flag this season, and, if the award be against them, shall at once pay damages for past interference, and compensate British sealers for losses sustained by them in complying with the Proclamation.

No. 359.

The Marquis of Salisbury to Sir J. Pauncefote.

(Telegraphic.)

Foreign Office, June 12, 1890.

IN reply to your telegram of yesterday, I have to state that there are serious constitutional difficulties in the way of your proposal.

But it might save time if, without prejudice to either side, you could ask the Government of the United States whether, supposing Her Majesty's Government were to agree to issue a Proclamation, and as to its terms, the United States' Government will agree to the three conditions formulated by you, namely, to refer the legality of their proceedings to arbitration, to abstain from any interference with the British flag, and, in case of an adverse award, to pay for damages resulting from the Proclamation.

No. 360.

The Marquis of Salisbury to Sir J. Pauncefote.

(Telegraphic.)

Foreign Office, June 12, 1890.

REFERRING to my previous telegram of to-day's date, if we could come to terms on this proposal we would suggest some such kind of Proclamation as the following :—

"Whereas, the United States and Her Majesty's Government have agreed to refer to arbitration the legality of the action of the United States in making certain captures of British vessels in the Behring's Sea; and whereas the United States have engaged if the award should be adverse to them to pay compensation not only for past interference, but for any loss arising from abstention from sealing consequent on this Proclamation. Captains are hereby requested not to seal in Behring's Sea during the present season."

No. 361.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received June 13.)

My Lord,

Washington, June 3, 1890.

I HAVE the honour to inform your Lordship that, since the receipt of Mr. Blaine's note of the 29th ultimo, informing me of the rejection of the draft Convention by his Government, I have been in constant communication with him, with the view of coming to some possible settlement of the Behring's Sea question.

On the 30th ultimo Mr. Blaine informed me that he was to have an interview with the President, the result of which he promised to communicate to me as soon as possible.

I accordingly received a note from him last night, a copy of which is inclosed herewith, in which he states that the President is of opinion that an arbitration could not be concluded in time for this season, but he is anxious to know "whether Lord Salisbury, in order to promote a friendly solution of the question, will make for a single season the Regulation which in 1888 he offered to make permanent."

Your Lordship will observe that the above proposal is identical with that contained at the conclusion of Mr. Blaine's note of the 29th ultimo.

In view of the receipt of your Lordship's telegram of the 31st ultimo, and in order to save time, I at once wrote a note, a copy of which is also inclosed, to Mr. Blaine in reply, in which I informed him that Her Majesty's Government were not prepared to agree to such a Regulation as was suggested by Mr. Blaine.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure 1 in No. 361.

Mr. Blaine to Sir J. Pauncefote.

My dear Sir Julian,

Department of State, Washington, June 2, 1890.

I HAVE had a prolonged interview with the President on the matters upon which we are endeavouring to come to an agreement touching the fur-seal question.

The President expresses the opinion that an arbitration could not be concluded in time for this season. Arbitration is of little value unless it is conducted with the most careful deliberation. What the President most anxiously desires to know is whether Lord Salisbury, in order to promote a friendly solution of the question, will make for a single season the Regulation which in 1888 he offered to make permanent. The President regards that as the step which will lead most certainly and most promptly to a friendly agreement between the two Governments.

I have, &c.

(Signed) JAMES G. BLAINE.

Inclosure 2 in No. 361.

Sir J. Pouncefote to Mr. Blaine.

Dear Mr. Blaine,

Washington, June 3, 1890.

IN reply to your letter of yesterday evening touching the fur-seal question, I beg to state that I am in a position to answer at once the inquiry "whether Lord Salisbury, in order to promote a friendly solution of the question, will make for a single season the Regulation which in 1888 he offered to make permanent."

The words which I quote from your letter have reference, no doubt, to the proposal of the United States that British sealing-vessels should be entirely excluded from the Behring's Sea during the seal fishery season. I shall not attempt to discuss here whether what took place in the course of the abortive negotiations of 1888 amounted to an offer on the part of Lord Salisbury "to make such a regulation permanent."

It will suffice for the present purpose to state that the further examination of the question which has taken place has satisfied his Lordship that such an extreme measure as that proposed in 1888 goes far beyond the requirements of the case. Her Majesty's Government are quite willing to adopt all measures which shall be satisfactorily proved to be necessary for the preservation of the fur seal species, and to enforce such measures on British subjects by proper legislation.

But they are not prepared to agree to such a regulation as is suggested in your letter, for the present fishery season, as, apart from other considerations, there would be no legal power to enforce its observance on British subjects and British vessels.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 362.

Colonial Office to Foreign Office.—(Received June 14.)

Sir,

Downing Street, June 13, 1890.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, forwarding a claim from the owners of the "Pathfinder" for the detention of that vessel at Neagh Bay in March last.

I am, &c.

(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 362.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

Government House, Ottawa, May 20, 1890.

I HAVE the honour to forward herewith, for transmission to the United States' authorities, a copy of an approved Minute of the Privy Council of Canada, to which is attached a formal declaration of the managing owner of the British schooner "Pathfinder," setting forth the particulars of the seizure of that vessel in Neagh Bay, in the State of Washington, by the United States' Revenue cutter "Corwin," and preferring a claim for damages to the amount of 3,000 dollars against the United States' Government in consequence of the said seizure.

Your Lordship has already been informed in the Deputy Governor's despatch of the 23rd October last of the circumstances of the former seizure of this vessel in Behring's Sea on the 27th August last by the same United States' cruiser.

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 362.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 12th May, 1890.

ON a Report dated the 23rd April, 1890, from the Minister of Marine and Fisheries, submitting, in connection with previous Reports on the subject of seizures of British fishing-vessels in the Behring's Sea, and more particularly with reference to the Minute of Council approved by your Excellency on the 14th September, 1889, detailing the circumstances of the seizure of the schooner "Pathfinder," a formal declaration of the managing owner of the "Pathfinder," in which are set forth particulars of the subsequent seizure of the vessel in Neagh Bay, in the State of Washington, United States of America, on the evening of the 27th March, 1890, by the United States' Revenue cutter "Thomas D. Corwin;" the Commander having recognized the "Pathfinder" as a vessel which had been seized in Behring's Sea during the previous year.

The "Pathfinder" sought Neagh Bay through stress of weather, and was undergoing repairs at the time of the second seizure. The vessel was towed to Port Townsend and placed in charge of officers from the Revenue cutter, until released on the afternoon of the 29th March.

The Minister further submits a claim advanced by Mr. William Munsie, of Victoria, British Columbia, merchant, as managing owner of the vessel in question, amounting to 3,000 dollars for loss resulting and expenses by reason of the seizure.

The Committee on the recommendation of the Minister of Marine and Fisheries, advise that your Excellency be moved to forward a copy of this Minute, together with the paper herewith, to the Right Honourable the Secretary of State for the Colonies, for transmission to the Government of the United States.

All which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. McGEE,

Clerk, Privy Council.

Inclosure 3 in No. 362.

Declaration of Mr. W. Munsie.

Dominion of Canada, Province of British Columbia,
City of Victoria.

I, WILLIAM MUNSIE, of the city of Victoria, in the Province of British Columbia, merchant, solemnly and sincerely declare as follows:—

1. I am the managing owner of the hereinafter mentioned schooner "Pathfinder," duly registered at the port of Victoria aforesaid.

2. The said schooner is employed exclusively in the sealing business, and left the port of Victoria on or about the 17th January last on a sealing voyage along the Pacific coast, south of Vancouver Island.

3. On or about the 8th February last the "Pathfinder" returned to Victoria for repairs, and sailed again for the same purpose on or about the 12th February last.

4. On or about the 23rd day of March last, when off Cape Flattery, the "Pathfinder" encountered a storm and became disabled by the breaking of the tiller-band, and was forced to find shelter in the nearest harbour, Neagh Bay, in the State of Washington, United States of America, lying about 9 miles from Cape Flattery. The "Pathfinder" anchored in Neagh Bay on the 26th March last. On the evening of the 27th March, while still lying in said bay, undergoing repairs, an officer from the United States' Revenue cutter "Thomas D. Corwin," boarded the "Pathfinder" and asked for the ship's papers. These were handed to him, inspected by him, and in reply to a question by the captain of the "Pathfinder" as to whether they were all right, he replied that he would report to the Captain of the cutter. Next morning the Captain of the cutter sent an officer on board the "Pathfinder" with a request that her captain would go on board the cutter and take his papers with him. The captain did so, and after looking over the papers the Captain of the cutter said he recognized the "Pathfinder" as a vessel which had been seized last year, and that he must detain her, as the law must be maintained. He then ordered the captain of the "Pathfinder" to heave his anchor, and said he would take the "Pathfinder" to the nearest telegraph station, which was Port Angeles. The captain of the "Pathfinder" protested against being removed, and declined to hoist anchor. The

Captain of the cutter replied that if he did not hoist anchor men would be sent from the cutter to do so. Upon this the captain of the "Pathfinder" went back to his vessel and ordered his men to heave the anchor up.

The "Pathfinder" was then taken in tow by the cutter, and taken to Port Townsend. At that place two officers from the cutter were placed on board the "Pathfinder," and remained in charge until the "Pathfinder" was released. The captain of the "Pathfinder" entered a protest from the office of the Collector of Customs, Port Townsend, and also filed a protest with the Captain of the cutter. After doing so he was persuaded to withdraw both protests until reply had been received from Washington as to what disposition would be made of the "Pathfinder."

5. The "Pathfinder" was released on the afternoon of the 29th March last, and arrived at Victoria aforesaid on the morning of the 31st March last.

6. By reason of the said seizure or detention of the "Pathfinder," her owners have lost at least a week of the best period of the spring seasons for sealing. In consequence, also, of the seizure and detention, a number of the crew of the "Pathfinder" have deserted, causing inconvenience and loss in filling their places.

7. In respect of the said seizure and detention, and of the losses thereby resulting, and for the expenses incurred by reason of such seizure or detention, I, as managing owner of the "Pathfinder," claim of and from the Government of the United States as damages the sum 3,000 dollars.

And I, William Munsie, make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Acts respecting extra-judicial oaths.

(L.S.) (Signed) WM. MUNSIE.

Declared at the city of Victoria, British Columbia, this 3rd day of April, A.D. 1890,

Before me,

(Signed) ARTHUR L. BELYEA,

*A Notary Public by Royal Authority in and for the
Province of British Columbia.*

No. 363.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received June 16.)

My Lord,

Washington, June 6, 1890.

WITH reference to my despatch of the 3rd instant, I have the honour to inclose copy of a further note which I have received from Mr. Blaine on the subject of the proposed exclusion of British sealers from Behring's Sea during the present season, together with the reply which I have sent thereto.

I have, &c.

(Signed) J. PAUNCEFOTE.

Inclosure 1 in No. 363.

Mr. Blaine to Sir J. Pouncefote.

Sir,

Department of State, Washington, June 4, 1890.

I HAVE your favour of the 2nd instant.

The President sincerely regrets that his considerate and most friendly proposal for adjustment of all troubles connected with the Behring's Sea should be so promptly rejected.

The paragraph in your note in which you refer to Lord Salisbury's position needs explanation. I quote it in full:—

"It will suffice for the present purpose to state that the further examination of the question which has taken place has satisfied his Lordship that such an extreme measure as that proposed in 1888 goes far beyond the requirements of the case."

I do not know what may have been the "examination of the question" that "has satisfied Lord Salisbury that such an extreme measure as that proposed in 1888 goes far beyond the requirements of the case." I only know that the most extreme measure proposed came from Lord Salisbury himself, in suggesting a close season as far south as the 47th parallel of latitude, to last from the 15th April to the 1st October in each year.

At the close of his negotiations with Mr. Phelps, in September 1888, his Lordship, still approving the "measures to prevent the wanton destruction of so valuable an industry," declared, apparently with regret, that "the Canadian Government objected to any such restrictions" (*i.e.*, as those which his Lordship had in part proposed and wholly approved), and that, "until its consent would be obtained, Her Majesty's Government was not willing to enter into the Convention." It is evident, therefore, that in 1888 Lord Salisbury abruptly closed the negotiations because, in his own phrase, "the Canadian Government objected." He assigned no other reason whatever, and, until your note of the 2nd was received, this Government had never been informed that his Lordship entertained any other objections than those expressed in September 1888.

It is proper to recall to your recollection that at divers times in personal conversation I have proposed to you, on behalf of this Government, a close season materially shorter in point of time than was voluntarily offered by Lord Salisbury, and much less extended in point of space. Instead of going as far south as the 47th parallel, I have frequently indicated the willingness of this Government to take the dividing line between the Pacific Ocean and the Behring's Sea—the line which is tangent to the southernmost island of the Aleutian group—being as near as may be the 50th parallel of north latitude.

Early in April you will remember that you suggested to me the advantage that might follow if the sailing of Revenue cutters for Behring's Sea could be postponed till the middle of May. Though that was a matter entirely under the control of the Treasury Department, Secretary Windom promptly complied with your request, and by the President's direction a still longer postponement was ordered in the hope that some form of equitable adjustment might be proposed by Her Majesty's Government. Even the Revenue cutter which annually passes through Behring's Sea carrying supplies to the relief station at Point Barrow in the Arctic Ocean—72nd degree of north latitude—was held back, lest her appearance in Behring's Sea might be misrepresented as a non-observance of the understanding between us.

It is perfectly clear that if your claim for British vessels to kill seals within 10 miles of the Pribyloff Islands, directly after the mothers are delivered of their young, should be granted, the Behring's Sea would swarm with vessels engaged in sealing, not forty or fifty as now, but many hundreds, through the summer months. If that privilege should be given to Canadian vessels, it must of course be conceded at once to American vessels. If the rookeries are to be thrown open to Canadians, they would certainly, as matter of common right, be thrown open to citizens of the United States.

The seal-mothers, which require an area of from 40 to 50 miles from the islands on all sides to secure food for their young, would be slaughtered by hundreds of thousands, and in a brief space of time there would be no seals in the Behring's Sea. Similar causes have uniformly produced similar effects. Seal rookeries in all parts of the world have been destroyed in that way. The present course of Great Britain will produce the same effect on the only seal rookery of any value left in the waters of the oceans and seas of the globe. The United States have leased the privilege of sealing because only in that way can the rookeries be preserved, and only in that way can this Government derive a revenue from the Pribyloff Islands. Great Britain would perhaps gain something for a few years, but it would be at the expense of destroying a valuable interest belonging to a friendly nation, an interest which the civilized world desires to have preserved.

I observe that you quote Treasury Agent George R. Tingle, in your despatch of the 30th April, as showing that, notwithstanding the depredations of marauders, the total number of seals had increased in the Behring's Sea. The rude mode of estimating the total number can readily lead to mistakes, and other agents have differed from Mr. Tingle. But, aside from the correctness or incorrectness of Mr. Tingle's conclusions on that point, may I ask upon what grounds do the Canadian vessels assert a claim, unless they assume that they have a title to the increase of the seal herd? If the claim of the United States to the seals of the Pribyloff Islands be well founded, we are certainly entitled to the increase as much as a sheep-grower is entitled to the increase of his flock.

Having introduced Mr. Tingle, who has very extensive knowledge touching the seals in Behring's Sea, as well as the habits of the Canadian marauders, I trust you will not discredit his testimony. The following statement, made by Mr. Tingle in his official Report to the Treasury Department at the close of the season of 1887, is respectfully commended to your consideration:—

"I am now convinced, from what I gather in questioning the men belonging to captured schooners, and from reading the logs of the vessels, that not more than one seal in ten killed and mortally wounded is landed on the boats and skinned; thus you will see the wanton destruction of seal life without any benefit whatever. I think 30,000 skins taken this year is a low estimate on this basis; 300,000 fur-seals were killed to secure that number, or three times as many as the Alaska Commercial Company are allowed by law to kill. You can readily see that this great slaughter of seals will in a few years make it impossible for 100,000 skins to be taken on the islands by the lessees. I earnestly hope more rigorous measures will be adopted by the Government in dealing with these destructive law-breakers."

Both of Mr. Tingle's statements are made in his official capacity, and in both cases he had no temptation to state anything except what he honestly believed to be the truth.

The President does not conceal his disappointment that, even for the sake of securing an impartial arbitration of the question at issue, Her Majesty's Government is not willing to suspend for a single season the practice which Lord Salisbury described in 1888 as "the wanton destruction of a valuable industry," and which this Government has uniformly regarded as an unprovoked invasion of its established rights.

I have, &c.

(Signed) JAMES G. BLAINE.

Inclosure 2 in No. 363.

Sir J. Pouncefote to Mr. Blaine.

Sir,

Washington, June 6, 1890.

I HAVE the honour to acknowledge the receipt of your official note of the 4th instant, commenting upon the reply which I returned to the inquiry contained in your letter of the 2nd instant, whether the Marquis of Salisbury would, in order to promote a friendly solution of the fur-seal question, agree to the total exclusion of British sealers from the Behring's Sea during the present fishery season. You expressed the regret of the President that "his considerate and most friendly proposal for the adjustment of all trouble connected with the Behring's Sea should be so promptly rejected."

I have this day transmitted a copy of your note to Lord Salisbury, and, pending further instructions, I will abstain from pursuing the discussion on the various points with which it deals, especially as the views of Her Majesty's Government on the main questions involved are stated with great precision in Lord Salisbury's despatch of the 22nd May, which I had the honour to read to you yesterday, and of which, in accordance with your desire, I left a copy in your hands.

I would only observe that, as regards the sufficiency or insufficiency of the radius of 10 miles around the rookeries "within which Her Majesty's Government propose that sealers should be excluded," no opportunity was afforded me of discussing the question before the proposals of Her Majesty's Government were summarily rejected.

I may mention also that I fear there has been some misapprehension as regards a request which you appear to have understood me to make respecting the date of the sailing of United States' Revenue cutters for Behring's Sea. I have no recollection of having made any suggestion with reference to those Revenue cutters, except that their Commanders should receive explicit instructions not to apply the Municipal Law of the United States to British vessels in Behring's Sea outside of territorial waters.

I have, &c.

(Signed) J. PAUNCEFOTE.

No. 364.

Colonial Office to Foreign Office.—(Received June 18.)

Sir,

Downing Street, June 17, 1890.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of the Annual Report for 1889 of the Canadian Minister of Marine and Fisheries.

I am to call attention to the Report on the fur-seal fishery.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure in No. 364.

Extract from the Annual Report of the Department of Fisheries, Dominion of Canada, for the calendar year 1889.

Marine Furs.

THE Returns show an increase in the catch this season of 5,587 fur-sealskins, and twenty-five sea-otters. There were 1,922 more sealskins taken on the coast by our vessels than in 1888, and 2,558 more by foreigners, who sold their catches in Victoria.

The following Table shows the detailed catch of the sealing fleet for this season :—

RETURN showing the Number of Vessels, Boats, and Men engaged in the Marine Fur Fishery of British Columbia, with the Products and Values, for the Season of 1889.

Name of Vessel.	Name of Owner.	Tonnage.	Number of Boats.	Number of Men.	Seals caught on coast of British Columbia.	Seals caught in Behring's Sea.	Total Number of Seals.	Value.
								Dollars.
Pathfinder ..	Carne and Munsie ..	66	6	24	942	48	990	9,900
Viva ..	" "	92	6	22	1,481	2,182	3,663	36,630
Mary Taylor ..	" "	42	11	25	748	..	748	7,480
Theresa ..	Babbington and Co. . .	63	7	23	482	828	1,310	13,100
Annie C. Moore	C. Hackett ..	213	7	23	802	1,318	2,120	21,200
Lily ..	Morris Moss ..	70	18	41	500	532	1,032	10,320
Penelope ..	" "	70	6	21	384	1,769	2,180	21,800
Lily ..	" "	68	13	26	280	74	354	3,540
Sapphire ..	E. B. Marvin ..	123	25	52	1,364	1,626	2,990	20,900
Aurora ..	Adolph Wasburg ..	41	13	38	816	..	816	8,160
Juanita ..	Hall and Goepel ..	40	13	29	135	29	164	1,640
Ariel ..	E. W. Bucknam ..	90	6	22	934	1,400	2,334	23,340
Kate ..	Chas. Spring ..	58	10	24	624	800	1,424	14,240
Favorite ..	" " ..	79	10	25	340	1,764	2,104	21,040
Maggie Mack ..	J. Dodd ..	70	6	25	777	1,290	2,067	20,670
W. P. Sayward	J. D. Warren ..	59	12	29	557	1,643	2,200	22,000
Minnie ..	Victor Jacobsen ..	46	10	21	200	500	700	7,000
Mountain Chief ..	" " ..	26	5	13	210	..	210	2,100
Wanderer ..	H. Payton ..	15	6	15	178	..	178	1,780
Black Diamond ..	M. Moss ..	81	12	29	629	55	684	6,840
Beatrice ..	Wm. Grant ..	67	7	22	500	700	1,200	12,000
Sierra ..	" "	10	2	5	80	..	80	800
Winifred ..	" "	10	2	5	22	..	22	220
		1,499	213	559	12,985	16,585	29,570	295,700
Sea-otter caught by sealing fleet, 15, at 100 dollars each								1,500
Estimate of seals purchased from Indians								4,000
" " sea-otter purchased from Indians, 100, at 100 dollars each								10,000
" " hair seals, 7,000								2,625
Grand total by Canadian vessels								33,570 349,825

FUR-SEALS caught by Foreign Vessels and disposed of in Victoria, British Columbia.

Name of Vessel.	Number of Seals caught on British Columbia coast.	Number of Seals caught in Behring's Sea.	Total Number of Seals.	Total Value.
				Dollars.
Walter L. Rich American	1,419	..	1,419	14,190
San Diego "	69	..	69	690
T. H. Lewis "	242	..	242	2,420
Venture "	317	..	317	3,170
Allie S. Alger "	253	..	253	2,530
Harry Dimmes "	18	700	718	7,180
Lottie "	..	625	625	6,250
Mollie Adams "	..	1,553	1,553	15,530
Bessie Rulter "	..	525	525	5,250
Adele German	240	1,467	1,707	17,070
Total by foreigners ..	2,558	4,870	7,428	74,280

It will thus be seen that there are more vessels in the trade than last year. This was on account of an anticipated settlement of the Behring's Sea question. The vessels had been previously purchased on the Atlantic coast for the purpose of prosecuting this trade in Behring's Sea, but when they reached this coast and found the question was still unsettled, they paid more attention to hunting on the coast.

No. 365.

Admiralty to Foreign Office.—(Received June 20.)

Sir,

Admiralty, June 19, 1890.

I AM commanded by the Lords Commissioners of the Admiralty to transmit, for the perusal of the Secretary of State for Foreign Affairs, copies of two letters from Captain Hulton, of Her Majesty's ship "Amphion," respecting the Behring's Sea fishery.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 365.

Captain Hulton to Admiralty.

(Extract.)

"Amphion," at Esquimalt, May 28, 1890.

WITH reference to your recent telegrams to hasten the repairs of Her Majesty's ship "Amphion," if possible, she being very much required, and your inquiries as to the movements of the sealing fleet to Behring's Sea, I have the honour to supplement my telegraphic replies as follows:—

I inclose herewith a list of the sailing-schooners cleared from Victoria for this season's fishing, and about to clear, furnished me by the Lieutenant-Governor, his Honour Hugh Nelson, in reply to my letter of which a copy is attached.

The sealing fleet have just about finished their coast catching, moving slowly up from the Californian coast, and are now midway between Clayaquot Sound and the southernmost of the Shumagan Islands.

The vessels mostly cleared in February and March, and few of them return till the autumn unless in distress of some sort, owing to difficulties with their crews, with drunkenness and desertion. One or two vessels communicate with them from time to time, bringing back the catches of skins, &c.

As they work north they replenish at a sealing store in Clayaquot Sound, and by the end of June they have all assembled in the Shumagan Islands, and are mostly to be found in North-East Harbour, on the southernmost but one of the islands of that group.

A second point at which the vessels are then to be found is at Sand Point, about 50' to the northward of North-East Harbour, where the vessels beach to clean and repair, revictual and water.

A third harbour which they use, a little north of Sand Point, is Falmouth Harbour, but it is smaller, and not so much frequented.

About the 20th June a small vessel (probably a small steam-tug) will go up to the above rendezvous with letters, &c., and to receive skins; she would arrive there about the 27th or 28th June, and the schooners would again weigh and get amongst the seals, working their way to the passes, principally the Unimak and the 72nd Pass, as it is called (172° west longitude). These passes the vessels all go through between the 1st and 10th July.

The time the vessels are in the Behring's Sea is from the 1st or 10th July to about the 15th or 30th September, though, if a vessel is lucky, she has frequently left by the latter half of August, not to return again that season.

Inclosure 2 in No. 365.

Captain Hulton to Lieutenant-Governor Nelson.

Sir,

“*Amphion*,” at Esquimalt, May 23, 1890.

I HAVE the honour to request that you will be good enough to instruct the Collector of Customs to furnish me as quickly as possible with a detailed list of the sealing-vessels owned by British subjects that have been cleared for the north (presumably for Behring's Sea) for this summer's sealing.

On the list, I am anxious to have shown me the tonnage and rig of the vessels, names of the captains, numbers of their crews, and the names and addresses of their owners; and I further request that the Collector of Customs may be directed to give me every assistance in getting the fullest information possible.

I have, &c.
(Signed) E. GREY HULTON.

Inclosure 3 in No. 365.

Special Memorandum for Lieutenant-Governor Nelson.

SEALING Vessels cleared for Behring's Sea.

No.	Schooner.	Master.	Tons.	Crew.
1	Juanita, now Mascot	L. Olsen	40	4
2	Black Diamond, now Katharine	H. Smith	81	5
3	Mollie Adams, now E. B. Marvin	R. E. McKeill	118	23
4	Walter L. Rich	H. F. Siewerd	76	23
5	Ocean Belle	W. O. Leary	86	23
6	Venture	J. McLeod	48	4
7	W. P. Sayward	G. R. Ferey	60	7
8	Sea Lion	F. Magnesen	50	24
9	Triumph	C. Cox	98	20
10	Maggie Mack	John M. Dodd	71	21
11	Minnie	V. Jacobsen	46	10
12	Sapphire	W. Cox	126	9
13	Mary Taylor	J. Davenport	43	3
14	Lily	G. McDonald	69	6
15	Aurora	F. Harold	41	4
16	Penelope	A. C. Folger	41	20
17	Theresa	John Steele	63	23
18	Favorite	L. McLean	64	6
19	Viva	W. E. Baker	92	23
20	Mary Ellen	D. McLean	63	27
21	Mountain Chief	James Newassum (Indian)	23	5
22	Sieria	Thos. Cheetmatlet (Indian)	25	5
23	Kate	O. Thomas	58	5
24	Wanderer	Hy. Paxton	26	About to clear.

The before-mentioned all of Victoria Registry.

These last-mentioned of Registry at Ports named.

No.	Schooner.	Master.	Tons.	Crew.
25.	Annie C. Moore	C. Hackett, of Shelbourne, Nova Scotia	117	22
26	Ariel	John Reilly, of St. John's, Newfoundland	90	7
27	C. H. Tupper	C. S. Kelly	99	9
28	Beatrice	C. Keefe	..	5

Of Shanghae, but of British Registry.

29	Carmelite	Is overdue from Halifax. Particulars not as yet obtainable.		
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The following of Foreign Registry.

30	Adele German, registered at Shanghae.	G. W. O. Hansen ..	50	5
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And some five vessels of United States' sealing-schooners that make this their port of departure.

(Signed) A. R. MILNE, *Collector of Customs.*

Inclosure 4 in No. 365.

Further Memorandum in re Sealers for Captain Hulton.

No.	Schooner.		
1	Juanita, now Mascot	John Kinsman ..	64 shares.
2	Black Diamond, now Katharine ..	John L. Penny ..	Ditto.
3	Mollie Adams, now E. B. Marvin ..	John G. Cox ..	Managing owner.
4	Pathfinder, now Pioneer	William Munsie ..	Ditto.
5	Walter L. Rich	Charles N. Cameron ..	Ditto.
6	Ocean Belle	John Kinsman ..	Ditto.
7	Venture	Donald Urquhart ..	Ditto.
8	W. P. Sayward	Andrew Laing ..	Ditto.
9	Sea Lion	George Collins ..	64 shares.
10	Triumph	John G. Cox ..	Managing owner.
11	Maggie Mack	John Dodd ..	Ditto.
12	Minnie	V. Jacobsen ..	64 shares.
13	Sapphire	John G. Cox ..	Managing owner.
14	Mary Taylor	William Munsie ..	Ditto.
15	Lily	V. Jacobsen ..	Ditto.
16	Aurora	A. Wasberg ..	Ditto.
17	Penelope	Morris Moss ..	Ditto.
18	Theresa	P. A. Babbington ..	Ditto.
19	Favorite	Charles Spring ..	64 shares.
20	Viva	William Munsie ..	Managing owner.
21	Mary Allen	Morris Moss ..	64 shares.
22	Mountain Chief	James Newassum ..	Managing owner.
23	Sierra	Thos. Cheetmatlet ..	Ditto.
24	Kate	Charles Spring ..	64 shares.
25	Wanderer	Hy. Paxton ..	Managing owner.
26	Annie C. Moore	Not recorded in Victoria, B.C.	
27	Ariel	Ditto.	
28	C. H. Tupper	Ditto.	
29	Beatrice	Ditto.	
30	Carmelite	Ditto.	
31	Adele	A German vessel; registered in Shanghae.	

The five United States' sealers mentioned in List No. 1 are, of course, not of record at Victoria, B.C.

Note.—The address of all the above-mentioned owners is Victoria, B.C., with the exception of John L. Penny, of the schooner "Katharine," whose address is Clayquot Sound, B.C., via Victoria, B.C.

(Signed) A. R. MILNE,
Collector of Customs and Registrar of Shipping.

The Marquis of Salisbury to Sir J. Pouncefote.

Sir,

Foreign Office, June 20, 1890.

I HAVE to acknowledge your despatch of the 30th ultimo, inclosing copy of a note from Mr. Blaine, dated the 29th ultimo.

It contains several references to communications which passed between the two Governments in the time of Mr. Blaine's predecessor, especially in the spring of 1888. Without referring at present to other portions of Mr. Blaine's note, I wish only now to point out some error in the impressions which he has gathered from the records in his office with respect to those communications. He states that on the 23rd April of that year I informed the American Chargé d'Affaires, Mr. White, that it was proposed to give effect to a Seal Convention by Order in Council, not by Act of Parliament. This was a mistake. It was very natural that Mr. White should not have apprehended me correctly when I was describing the somewhat complicated arrangements by which Agreements of this kind are brought into force in England. But two or three days after the 23rd April he called to make inquiry on the subject, and, in reply to his question, the following letter was addressed to him by my instructions:—

“My dear White,

“Foreign Office, April 27, 1888.

“Lord Salisbury desires me to express his regret that he is not yet in a position to make any further communication to you on the subject of the seal fisheries in Behring's Sea. After his interview with you and M. de Staal he had to refer to the Canadian Government, the Board of Trade, and the Admiralty, but has as yet only obtained the opinion of the Admiralty. The next step is to bring a Bill into Parliament.

“Yours, &c.

(Signed) “ERIC BARRINGTON.”

On the 28th Mr. White replied:—

“Legation of the United States, London,

“April 28, 1888.

“My dear Barrington,

“Thanks for your note, respecting the final sentence of which, ‘The next step is to bring a Bill into Parliament,’ I must trouble you with a line.

“I understood Lord Salisbury to say when I saw him with M. de Staal, and again last week alone, that it is now proposed to give effect to the Conventional arrangement for the protection of seals by an Order in Council, not by Act of Parliament.

“When Mr. Phelps left, the latter was thought necessary, and last week I received a telegram from the Secretary of State, asking me to obtain confidentially a copy of the proposed Act of Parliament, with a view to assimilating our contemplated Act of Congress thereto. I replied, after seeing Lord Salisbury last Saturday, that there would be no Bill introduced in Parliament, but an Order in Council.

“May I ask if this be now incorrect, as, in that event, I should particularly like to correct my former statement by this day's mail.”

To this the following reply was on the same date addressed to Mr. White:—

“My dear White,

“Foreign Office, April 28, 1888.

“Lord Salisbury is afraid that he did not make himself understood when last he spoke to you about the Seal Fisheries Convention.

“An Act of Parliament is necessary to give power to our authorities to act on the provisions of the Convention when it is signed. The Order in Council will be merely the machinery which the Act will provide for the purpose of bringing its provisions into force. The object of this machinery is to enable the Government to wait till the other two Powers are ready. But neither Convention nor Bill is drafted yet, because we have not got the opinions from Canada which are necessary to enable us to proceed..

“Yours, &c.

(Signed) “ERIC BARRINGTON.”

It is evident from this correspondence that if the United States' Government was misled upon the 23rd April into the belief that Her Majesty's Government could proceed in the matter without an Act of Parliament, or could proceed without

previous reference to Canada, it was a mistake which must have been entirely dissipated by the correspondence which followed in the ensuing week.

Mr. Blaine is also under a misconception in imagining that I ever gave any verbal assurance, or any promise of any kind, with respect to the terms of the projected Convention. Her Majesty's Government always have been, and are still, anxious for the arrangement of a Convention which shall provide whatever close time in whatever localities is necessary for the preservation of the fur-seal species. But I have always represented that the details must be the subject of discussion, a discussion to which those who are locally interested must of necessity contribute. I find the record of the following conversation about the date to which Mr. Blaine refers:—

"The Marquis of Salisbury to Sir L. West.

"Sir,

"Foreign Office, March 17, 1888.

"Since forwarding to you my despatch of the 22nd ultimo, I have been in communication with the Russian Ambassador at this Court, and have invited his Excellency to ascertain whether his Government would authorize him to discuss with Mr. Phelps and myself the suggestion made by Mr. Bayard in his despatch of the 7th February, that concerted action should be taken by the United States, Great Britain, and other interested Powers, in order to preserve from extermination the fur-seals which at certain seasons are found in Behring's Sea.

"Copies of the correspondence on this question which has passed between M. de Staal and myself is inclosed herewith.

"I request that you will inform Mr. Bayard of the steps which have been taken, with a view to the initiation of negotiations for an Agreement between the three Powers principally concerned in the maintenance of the seal fisheries. But in so doing, you should state that this action, on the part of Her Majesty's Government, must not be taken as an admission of the rights of jurisdiction in Behring's Sea exercised there by the United States' authorities during the fishing seasons of 1886-87 and 1887-88, nor as affecting the claims which Her Majesty's Government will have to present on account of the wrongful seizures which have taken place of British vessels engaged in the seal fishing industry.

"I am, &c.

(Signed) "SALISBURY."

In pursuance of this despatch, the suggestion made by Mr. Bayard to which I referred was discussed, and negotiations were initiated for an Agreement between the three Powers. The following despatch contains the record of what I believe was the first meeting between the Representatives of the three Powers upon the subject:—

"The Marquis of Salisbury to Sir L. West.

"Sir,

"Foreign Office, April 16, 1888.

"The Russian Ambassador and the United States Chargé d'Affaires called upon me this afternoon to discuss the question of the seal fisheries in Behring's Sea, which had been brought into prominence by the recent action of the United States.

"The United States' Government had expressed a desire that some Agreement should be arrived at between the three Governments for the purpose of prohibiting the slaughter of the seals during the time of breeding; and, at my request, M. de Staal had obtained instructions from his Government on that question.

"At this preliminary discussion it was decided *provisionally, in order to furnish a basis for negotiation, and without definitively pledging our Governments*, that the space to be covered by the proposed Convention should be the sea between America and Russia north of the 47th degree of latitude; that the close time should extend from the 15th April to the 1st November; that during that time the slaughter of all seals should be forbidden, and vessels engaged in it should be liable to seizure by the cruisers of any of the three Powers, and should be taken to the port of their own nationality for condemnation; that the traffic in arms, alcohol, and powder should be prohibited in all the islands of those seas; and that, as soon as the three Powers had concluded a Convention, they should join in submitting it for the assent of the other Maritime Powers of the Northern Seas.

"The United States' Chargé d'Affaires was exceedingly earnest in pressing on us the importance of dispatch on account of the inconceivable slaughter that had been, and

was still going on in these seas. He stated that in addition to the vast quantity brought to market, it was a common practice for those engaged in the trade to shoot all seals they might meet in the open sea, and that of these a great number sank, so that their skins could not be recovered.

“ I am, &c.
(Signed) “ SALISBURY.”

It was impossible to state more distinctly that any proposal made was provisional, and was merely made for the purpose of enabling the requisite negotiations to proceed. The subsequent discussion of these proposals was undoubtedly delayed in consequence of the length of time occupied by the Canadian Government in collecting from considerable distances the information which they required before their opinion on the subject could be thoroughly formed, and after that it was delayed, I believe, chiefly in consequence of the political events in the United States unconnected with this question. I think it desirable to correct the misconceptions which have arisen with respect to these transactions; though I do not think that, even if the view of them which is taken by Mr. Blaine is accurate, they would bear out the argument which he founds upon them.

I shall be glad if you will take the opportunity of informing Mr. Blaine of these corrections.

I am, &c.
(Signed) SALISBURY.

No. 367.

The Marquis of Salisbury to Sir J. Pouncefote.

Sir, *Foreign Office, June 20, 1890.*

I HAVE received your despatch of the 3rd instant, and I approve the note which you addressed to Mr. Blaine in reply to his inquiry whether Her Majesty's Government would consent to “make for a single season the Regulation,” as to the killing of seals in Behring's Sea, “which in 1888 they offered to make permanent.”

I am, &c.
(Signed) SALISBURY.

No. 368.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received June 21.)

(Telegraphic.) *Washington, June 21, 1890.*

I HAVE the honour to report to your Lordship that a telegram is published in the “Washington Post” newspaper of to-day, dated Port Townsend, in Washington State, 20th June, stating that the Revenue cutter “Corwin” arrived there on the 18th on its way to Behring's Sea, and will await further orders. In the same telegram it is stated that the “Rush” is at Seattie, in Washington State, and is awaiting orders at that port.

No. 369.

The Marquis of Salisbury to Sir J. Pouncefote.

Sir, *Foreign Office, June 21, 1890.*

I APPROVE the reply, inclosed in your despatch of the 6th instant, which you returned to Mr. Blaine's note of the 4th instant, in regard to the proposed exclusion of British sealing-vessels from Behring's Sea during the present season.

It is unnecessary, in view of the observations contained in my despatch of the 20th instant, that I should discuss at any length the circumstances which led to an interruption of the negotiations in 1888.

With regard, however, to Mr. Blaine's remarks that in 1888 I had abruptly closed

the negotiations because "the Canadian Government objected," and that "I assigned no other reason whatever," I should wish you to call Mr. Blaine's attention to the statement of Mr. Phelps recorded in my despatch to Sir L. West of the 3rd April, 1888, that "under the peculiar political circumstances of America at this moment, with a general election impending, it would be of little use, and, indeed, hardly practicable, to conduct any negotiation to its issue before the election had taken place."

I am, &c.
(Signed) SALISBURY.

No. 370.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received June 24.)

My Lord. Washington, June 10, 1890.

WITH reference to my telegram of to-day, I have the honour to inclose herewith copy of a Memorandum which I gave to Mr. Blaine at our interview of yesterday on the subject of the inability of Her Majesty's Government to exclude British vessels from the high seas without legislative sanction.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 370.

Memorandum.

LORD SALISBURY regrets that the President of the United States should think him wanting in conciliation, but his Lordship cannot refrain from thinking that the President does not appreciate the difficulty arising from the law of England.

It is entirely beyond the power of Her Majesty's Government to exclude British or Canadian ships from any portion of the high seas, even for an hour, without legislative sanction.

Her Majesty's Government have always been willing, without pledging themselves to details on the questions of area and date, to carry on negotiations, hoping thereby to come to some arrangement for such a close season as is necessary in order to preserve the seal species from extinction, but the provisions of such an arrangement would always require legislative sanction, so that the measures thereby determined may be enforced.

Lord Salisbury does not recognize the expressions attributed to him. He does not think that he can have used them, at all events in the context mentioned.

No. 371.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received June 25.)

(Telegraphic.) Washington, June 25, 1890

ALTHOUGH I have not yet received the Secretary of State's promised reply to your Lordship's despatch of the 22nd ultimo, and though he refuses to proceed with the negotiations until that reply is delivered, I am informed that he has announced his intention of leaving for the north in the course of next week.

I therefore venture to suggest that I may be authorized to address at once to Mr. Blaine an official note, replying to the President's inquiry, in the sense of your Lordship's telegram of the 12th instant, viz., that the issue of a Proclamation as proposed by the President involves difficulties of a Constitutional nature, and Her Majesty's Government could only consent to issue it as part of a general settlement, and on the three conditions named below:—

1. That the question of the legal right of the United States' Government to interfere with British sealing-vessels in Behring's Sea be submitted to arbitration.
2. That, pending the result of the arbitration, the United States' Government cease all interference with British sealers outside of territorial waters.

3. That, if the result of the arbitration be adverse to the United States' Government, British subjects be compensated, not only for past interference, but also for all losses ensuing from their compliance with the Proclamation.

No. 372.

Colonial Office to Foreign Office.—(Received June 26.)

(Extract.)

Downing Street, June 25, 1890.

WITH reference to previous correspondence, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, forwarding an approved Minute of his Privy Council recommending that an assurance should be sought from the United States that no attempt will be made to interfere with British vessels in Behring's Sea during the present season.

Inclosure 1 in No. 372.

Lord Stanley of Preston to Lord Knutsford.

My Lord,

The Citadel, Quebec, June 12, 1890.

WITH reference to previous correspondence on the subject of the seizures of Canadian sealing-vessels in Behring's Sea, I have the honour to forward herewith a copy of an approved Minute of the Privy Council, embodying a Report of the Minister of Marine and Fisheries.

The Minister forcibly presents the grievance sustained by Canadian subjects in the course pursued by the United States' authorities in regard to this matter, and, in view of the fact that another sealing season has opened without any intimation of a withdrawal, on the part of the United States, of their extraordinary claim to jurisdiction over the waters of the open sea, he recommends that an assurance be sought from the United States' Government by Her Majesty's Government that the claim to jurisdiction beyond the 3-mile limit will be no longer insisted on.

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 372.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 7th June, 1890.

ON a Report, dated the 6th June, 1890, from the Minister of Marine and Fisheries, expressing regret that it again becomes necessary to call the attention of your Excellency to the long period which has elapsed since the illegal seizures of British sealing-vessels by United States' Revenue cutters occurred, and to the annual continuance of this molestation:

The Minister desires to remind your Excellency that the attention of the Imperial authorities has frequently been called to all the facts and circumstances connected with the different seizures which have occurred since 1885, and to observe that, notwithstanding the opinion of the Law Officers of the Crown as to the absence of any justification on the part of the United States' authorities for the acts complained of, and despite the protests of the British Government which were presented to the Government of the United States, the great wrongs to British subjects go unredressed. The Minister would especially point out that as yet there has been no withdrawal on the part of the United States' authorities of the assertion of their right to prevent subjects of Her Majesty from engaging in hunting seals in the deep waters of Behring's Sea.

The Minister observes that intense embarrassment and financial loss has been experienced in connection with the prosecution of this pursuit, due not only to actual arrests and molestation, but to intimidation caused by the attitude assumed on the part of the United States, ever since the year 1885, as regards the right of sealing in

Behring's Sea. As evidence of the strong desire on the part of your Excellency's advisers to cordially co-operate with the Imperial authorities in reaching, if possible, a friendly settlement, the Minister recalls the fact that upon the urgent request of Her Majesty's Government, the Government of Canada agreed to a discussion of the question of a close season for fur-seals in the Behring's Sea, notwithstanding the perpetration of the gross wrongs and injuries complained of by Canada, and in the absence of any definite assurance or offer of redress.

The Minister desires to refer to the Minute of Council approved on the 13th day of March last, dealing at length with a note from the Honourable Mr. Blaine, Secretary of State for the United States, communicating the reply of the United States' Government to a protest by Mr. Edwardes, on the part of the Imperial Government, in October last, against the seizure in 1889 of Canadian vessels. After dealing very fully with the question, the Minute went on to say:—

"Knowing the desire of both Her Majesty's Government and the Canadian people to maintain as friendly relations as possible with the people of the United States, the Minister recommends that Her Majesty's Government be informed that your Excellency's advisers are prepared to discuss any proposed international arrangement for the proper protection of the fur-seal, but that before such an inquiry is completed they expect that the question raised by the seizures of Canadian vessels in the Behring's Sea shall be settled according to the law of nations, and that the claims for indemnity now in the hands of Her Majesty's Government shall be fully satisfied."

The Minister further observes that while negotiations are in progress touching the question of a close season, another sealing season has begun without any intimation of a withdrawal on the part of the United States of their extraordinary claim to jurisdiction over the waters of the open sea, nor has any indemnification been made or assured to the subjects of Her Majesty who have suffered loss from the illegal acts on the part of the United States' authorities. Indeed, it is currently reported in the press of the United States and elsewhere that the United States' Revenue cutters will this year continue to interfere with and harass British sealers when in Behring's Sea.

The Minister is of opinion that it is at least due to Her Majesty's subjects interested in this branch of industry to have authentic knowledge of the actual position to be taken in connection with Behring's Sea during the coming season by the authorities of the United States, and he, therefore, recommends that Her Majesty's Government be urged to obtain an immediate assurance that the claim to jurisdiction or authority over sealing-vessels when beyond the 3-mile territorial limit in Behring's Sea will be no longer insisted upon.

The Committee, concurring in the above Report of the Minister of Marine and Fisheries, recommend that your Excellency be moved to forward a copy of this Minute to the Right Honourable the Principal Secretary of State for the Colonies.

The Committee further advise that a copy hereof be also forwarded to the High Commissioner for Canada in London, with instructions to him to personally press upon the Secretary of State for the Colonies the urgent necessity for obtaining from the Government of the United States satisfactory assurances upon this subject.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council.

No. 373.

The Marquis of Salisbury to Sir J. Pouncefote.

(Telegraphic.)

Foreign Office, June 26, 1890.

THE proposal made in your telegram of yesterday has my entire concurrence.

Sir J. Pauncefote to the Marquis of Salisbury.—(Substance telegraphed, July 3.)

My Lord,

Washington, July 1, 1890.

I HAVE the honour to transmit a copy of a note which I received yesterday evening from Mr. Blaine, in answer to your Lordship's despatch of the 22nd May, of which I left a copy in his hands on the 5th ultimo.

In this note Mr. Blaine endeavours to show that the negotiations which preceded the conclusion of the Treaty of 1824 between the United States and Russia, and the Treaty of 1825 between Great Britain and Russia, had, so far as respects maritime jurisdiction, no reference whatever to the Behring's Sea, but only to the Pacific Ocean south of the Aleutian Islands, and, therefore, that the United States' Government have not laid themselves open to the charge of asserting rights in the Behring's Sea which they disputed as against Russia, before the cession of Alaska to the United States in 1867.

While repudiating any claim to the Behring's Sea as a *mare clausum*, Mr. Blaine insists that the claim of Russia to exclusive jurisdiction within 100 miles from land was not disputed as regards the Behring's Sea, but, on the contrary, was acquiesced in both by Great Britain and the United States at the time of the Treaties above referred to, and that it is only since the rights of Russia in Alaska and the Behring's Sea passed to the United States by purchase in 1867 that Great Britain has sought to challenge rights which she respected when Alaska was a Russian province.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 374.

Mr. Blaine to Sir J. Pauncefote.

Sir,

Department of State, Washington, June 30, 1890.

ON the 5th instant you read to me a despatch from Lord Salisbury, dated the 22nd May, and by his instruction you left with me a copy. His Lordship writes in answer to my despatch of the 22nd January last. At that time, writing to yourself touching the current contention between the Governments of the United States and Great Britain as to the jurisdiction of the former over the waters of the Behring's Sea, I made the following statement:—

"The Government of the United States has no occasion and no desire to withdraw or modify the positions which it has at any time maintained against the claims of the Imperial Government of Russia. The United States will not withhold from any nation the privileges which it demanded for itself when Alaska was part of the Russian Empire. Nor is the Government of the United States disposed to exercise any less power or authority than it was willing to concede to the Imperial Government of Russia when its sovereignty extended over the territory in question. The President is persuaded that all friendly nations will concede to the United States the same rights and privileges on the lands and in the waters of Alaska which the same friendly nations always conceded to the Empire of Russia."

In answer to this declaration, Lord Salisbury contends that Mr. John Quincy Adams, when Secretary of State under President Monroe, protested against the jurisdiction which Russia claimed over the waters of the Behring's Sea. To maintain this position his Lordship cites the words of a despatch of Mr. Adams, written on the 23rd July, 1823, to Mr. Henry Middleton, at that time our Minister at St. Petersburg. The alleged declarations and admissions of Mr. Adams in that despatch have been the basis of all the arguments which Her Majesty's Government have submitted against the ownership of certain properties in the Behring's Sea which the Government of the United States confidently assumes. I quote the portion of Lord Salisbury's argument which includes the quotation from Mr. Adams:—

"After Russia, at the instance of the Russian American Fur Company, claimed in 1821 the pursuits of commerce, whaling, and fishing from Behring's Straits to the 51st degree of north latitude, and not only prohibited all foreign vessels from landing on the coasts and islands of the above waters, but also prevented them from approaching

within 100 miles thereof, Mr. Quincy Adams wrote as follows to the United States' Minister in Russia:—

"The United States can admit no part of these claims; their right of navigation and fishing is perfect, and has been in constant exercise from the earliest times, throughout the whole extent of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions."

The quotation which Lord Salisbury makes is unfortunately a most defective, erroneous, and misleading one. The conclusion is separated from the premise, a comma is turned into a period, an important qualification as to time is entirely erased, without even a suggestion that it had ever formed part of the text, and out of eighty-four words, logically and inseparably connected, thirty-five are dropped from Mr. Adams' paragraph in Lord Salisbury's quotation. No edition of Mr. Adams' work gives authority for his Lordship's quotation; while the archives of this Department plainly disclose its many errors. I requote Lord Salisbury's version of what Mr. Adams said, and in juxtaposition produce Mr. Adams' full text as he wrote it.

(*Lord Salisbury's quotation from Mr. Adams.*)

"The United States can admit no part of these claims; their right of navigation and fishing is perfect, and has been in constant exercise from the earliest times, throughout the whole extent of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions."

(*Full text of Mr. Adams' paragraph.*)

"The United States can admit no part of these claims; their right of navigation and of fishing is perfect, and has been in constant exercise from the earliest times, *after the peace of 1783*, throughout the whole extent of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions, *which, so far as Russian rights are concerned, are confined to certain islands north of the 55th degree of latitude, and have no existence on the Continent of America.*"

The words in italics are those which are left out of Mr. Adams' paragraph in the despatch of Lord Salisbury. They are precisely the words upon which the Government of the United States founds its argument in this case. Conclusions or inferences resting upon the paragraph, with the material parts of Mr. Adams' text omitted, are of course valueless.

The first object is to ascertain the true meaning of Mr. Adams' words which were omitted by Lord Salisbury. "Russian rights," said Mr. Adams, "are confined to certain islands north of the 55th degree of latitude." The islands referred to are as easily recognized to-day as when Mr. Adams described their situation sixty-seven years ago. The best known among them, both under Russian and American jurisdiction, are Sitka and Kadiak, but their whole number is great. If Mr. Adams literally intended to confine Russian rights to those islands, all the discoveries of Vitus Behring and other great navigators are brushed away by one sweep of his pen, and a large chapter of history is but a fable.

But Mr. Adams goes still further. He declares that "Russian rights have no existence on the Continent of America." If we take the words of Mr. Adams with their literal meaning there was no such thing as "Russian possessions in America," although forty-four years after Mr. Adams wrote these words the United States paid Russia 7,200,000 dollars for these "possessions," and all the rights of land and sea connected therewith.

This construction of Mr. Adams' language cannot be the true one. It would be absurd on its face. The title to that far northern territory was secure to Russia as early as 1741; secure to her against the claims of all other nations; secure to her thirty-seven years before Captain Cook had sailed into the North Pacific; secure to her more than half-a-century before the United States had made good her title to Oregon. Russia was in point of time the first Power in this region by right of discovery. Without immoderate presumption she might have challenged the rights of others to assume territorial possessions, but no nation had shadow of cause or right to challenge her title to the vast region of land and water which, before Mr. Adams was Secretary of State, had become known as the "Russian possessions."

Mr. Adams' meaning was not, therefore, and indeed could not be, what Lord Salisbury assumed. As against such interpretation, I shall endeavour to call his Lordship's attention to what this Government holds to be the indisputable meaning of Mr. Adams' entire paragraph. To that end a brief review of certain public transactions and a brief record of certain facts will be necessary.

At the close of the year 1799 the Emperor Paul, by a Ukase, asserted the exclusive authority of Russia over the territory from the Behring's Strait down to the 55th degree of north latitude on the American coast, following westward "by the Aleutian, Kurile, and other islands," practically inclosing the Behring's Sea. To the Russian American Company, which was organized under this Ukase, the Emperor gave the right "to make new discoveries" in that almost unknown region, and "to occupy the new land discovered" as "Russian possessions." The Emperor was assassinated before any new discoveries were announced; but his successor, the Emperor Alexander I, inherited the ambition and the purpose of his father, and in a new Ukase of the 4th September, 1821, asserted the exclusive authority of Russia from Behring's Straits southward to the 51st degree of north latitude on the American coast, proclaiming his authority at the same time on the Asiatic coast as far south as the 45th degree, and forbidding any vessel to approach within 100 miles of land on either continent. I quote the two sections of the Ukase that contain the order and the punishment:—

"Section 1. The transaction of commerce and the pursuit of whaling and fishing or any other industry on the islands in the harbours and inlets, and, in general, all along the north-western coast of America from Behring's Strait to the 51st parallel of northern latitude, and likewise on the Aleutian Islands and along the eastern coast of Siberia and on the Kurile Islands, that is from Behring's Strait to the southern promontory of the Island of Urup, viz., as far south as latitude 45° 50' north, are exclusively reserved to subjects of the Russian Empire.

"Section 2. Accordingly, no foreign vessel shall be allowed either to put to shore at any of the coasts and islands under Russian dominion, as specified in the preceding section, or even to approach the same to within a distance of less than 100 Italian miles. Any vessel contravening this provision shall be subject to confiscation with her whole cargo."

Against *this larger claim of authority* (viz., extending farther south on the American coast to the 51st degree of north latitude) Mr. Adams vigorously protested. In a despatch of the 30th March, 1822, to M. Poletica, the Russian Minister at Washington, Mr. Adams said:—

"This Ukase now for the first time extends the claim of Russia on the north-west coast of America to the 51st degree of north latitude."

And he pointed out to the Russian Minister that the only foundation for the new pretension of Russia was the existence of a small Settlement, situated, not on the American Continent, but on a small island in latitude 57°—Novo Archangelsk, now known as Sitka.

Mr. Adams protested, not against the Ukase of Paul, but against the Ukase of Alexander; not wholly against the Ukase of Alexander, but only against his extended claim of sovereignty southward on the continent to the 51st degree north latitude. In short, Mr. Adams protested, not against the old possessions, but against the new pretensions of Russia on the north-west coast of America—pretensions to territory claimed by the United States, and frequented by her mariners since the peace of 1783, a specification of time which is dropped from Lord Salisbury's quotation from Mr. Adams, but which Mr. Adams pointedly used to fix the date when the power of the United States was visibly exercised on the coast of the Pacific Ocean.

The names and phrases at that time in use to describe the geography included within the area of this dispute are confusing, and, at certain points, apparently contradictory and irreconcilable. Mr. Adams' denial to Russia of the ownership of territory on the "Continent of America" is a fair illustration of this singular contradiction of names and places. In the same way the phrase "north-west coast" will be found, beyond all possible doubt, to have been used in two senses: one including the north-west coast of the Russian possessions, and one to describe the coast whose northern limit is the 60th parallel of north latitude.

It is very plain that Mr. Adams' phrase "the Continent of America," in his reference to Russia's possessions, was used in a *territorial* sense, and not in a *geographical* sense; he was drawing the distinction between the territory of "America" and the territory of the "Russian possessions." Mr. Adams did not intend to assert that these territorial rights of Russia had no existence on the Continent of North America. He meant that they did not exist as the Ukase of the Emperor Alexander had attempted to

establish them, southward of the Aleutian Peninsula, and on that distinctive part of the continent claimed as the territory of the United States. "America" and the "United States" were then, as they are now, commonly used as synonymous.

British statesmen at that time used the phrase precisely as Mr. Adams did. The possessions of the Crown were generically termed "British America." Great Britain and the United States harmonized at this point, and on this territorial issue, against Russia. Whatever disputes might be left by these negotiations for subsequent settlement between the two Powers, there can be no doubt that at that time they had a common and very strong interest against the territorial aggrandizement of Russia. The British use of the phrase is clearly seen in the Treaty between Great Britain and Russia negotiated in 1825, and referred to at length in a subsequent portion of this despatch. A publicist as eminent as Stratford Canning opened the IIIrd Article of that Treaty in these descriptive words: "The line of demarcation between the possessions of the High Contracting Parties, upon the coasts of the continent, and the Islands of America to the north-west." Mr. Canning evidently distinguished "the islands of America" from "the islands of the Russian possessions," which were far more numerous, and by the use of the phrase "to the north-west," just as evidently limited the coast of the continent as Mr. Adams limited it in that direction by the Alaskan Peninsula. A concurrence of opinion between John Quincy Adams and Stratford Canning touching any public question left little room even for suggestion by a third person.

It will be observed, as having weighty significance, that the Russian ownership of the Aleutian and Kurile Islands (which border and close in the Behring's Sea, and by the dip of the peninsula are several degrees south of latitude 55°) was not disputed by Mr. Adams, and could not possibly have been referred to by him when he was limiting the "island" possessions of Russia. This is but another evidence that Mr. Adams was making no question as to Russia's ownership of all territory bordering on the Behring's Sea. The contest pertained wholly to the territory on the north-west coast. The Emperor Paul's Ukase, including his sovereignty over the Aleutian and Kurile Islands, was never questioned or denied by any Power at any time.

Many of the acts of Mr. Adams' public life received interesting commentary, and, where there was doubt, luminous interpretation in his personal diary, which was carefully kept from the 3rd June, 1794, to the 1st January, 1848, inclusive. The present case affords a happy illustration of the corroborative strength of the diary. During the progress of this correspondence Baron Tuyl, who had succeeded M. Poletica as Russian Minister in Washington, called upon Mr. Adams at his office, on the 17th July, 1823, six days before the date of the despatch upon which I have been commenting, and upon which Lord Salisbury relies for sustaining his contention in regard to the Behring's Sea. During an animated conversation of an hour or more between Mr. Adams and Baron Tuyl, the former said:—

"I told Baron Tuyl specially that we should contest the right of Russia to *any* territorial establishment on this continent . . ."

It will be observed that Mr. Adams uses the same phrase in his conversation that has misled English statesmen as to the true scope and meaning of his despatch of the 23rd July, 1823. When he declared that we should "contest the right of Russia to any territorial establishment on this continent" (with the word "any" italicized), he no more meant that we should attempt to drive Russia from her ancient possessions than that we should attempt to drive England from the ownership of Canada or Nova Scotia. Such talk would have been absurd gasconade, and Mr. Adams was the last man to indulge in it. His true meaning, it will be seen, comes out in the next sentence, when he declares:—

"I told Baron Tuyl that we should assume distinctly the principle that the American continents are no longer subjects for any *new* European colonial establishments."

In the Message of President Monroe to the next Congress (the eighteenth) at its first Session, the 2nd December, 1823, he announced that, at the proposal of the Russian Government, the United States had agreed to "arrange, by amicable negotiations, the respective rights and interests of the two nations on the north-west coast of this continent." A similar proposal had been made by Russia to Great Britain, and had been likewise agreed to. The negotiations in both cases were to be at St. Petersburg.

It was in connection with this subject, and in the same paragraph, that President Monroe spoke thus:—

"In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that *the American Continents, by the free and independent condition which they have assumed and*

maintain, are henceforth not to be considered as subjects for future colonization by any European Power."

This very brief declaration (in fact, merely the three lines italicized) constitutes the famous "Monroe doctrine." Mr. Adams' words of the July preceding clearly foreshadowed this position as the permanent policy of the United States. The declaration removes the last doubt, if room for doubt had been left, that the reference made by Mr. Adams was to the future, and had no possible connection with the Russian rights existing for three-quarters of a century before the despatch of 1823 was written.

It was evident from the first that the determined attitude of the United States, subsequently supported by Great Britain, would prevent the extension of Russian territory southward to the 51st parallel. The Treaties which were the result of the meeting at St. Petersburg, already noted, marked the surrender on the part of Russia of this pretension, and the conclusion was a joint Agreement that 50° 40' should be taken as the extreme southern boundary of Russia on the north-west coast instead of the 55th degree which was proclaimed by the Emperor Paul in the Ukase of 1799. The Treaty between Russia and the United States was concluded on the 17th April, 1824, and that between Russia and Great Britain ten months later, on the 16th February, 1825. In both Treaties Russia acknowledged 54° 40' as the dividing line. It was not determined which of the two nations owned the territory from 54° 40' down to the 49th parallel, and it remained in dispute between Great Britain and the United States until its final adjustment by the "Oregon Treaty" negotiated by Mr. Buchanan and Mr. Pakenham under the Administration of Mr. Polk in 1846.

The Government of the United States has steadily maintained that in neither of these Treaties with Russia was there any attempt at regulating or controlling or even asserting an interest in the Russian possessions and the Behring's Sea which lie far to the north and west of the territory which formed the basis of the contention. This conclusion is indisputably proved by the Protocols which were signed during the progress of the negotiation. At the fourth conference of the Plenipotentiaries on the 8th March, 1824, the American Minister, Mr. Henry Middleton, submitted to the Russian Representative, Count Nesselrode, the following:—

"The dominion cannot be acquired but by a real occupation and possession, and an intention ('animus') to establish it is by no means sufficient."

Now, it is clear, according to the facts established, that neither Russia nor any other Power has the right of dominion upon the Continent of America between the 50th and 60th degrees of north latitude.

Still less has she the dominion of the adjacent maritime territory, or of the sea which washes these coasts, a dominion which is only accessory to the territorial dominion.

Therefore, she has not the right of exclusion or of admission on these coasts, nor in these seas, which are free seas.

The right of navigating all the free seas belongs, by natural law, to every independent nation, and even constitutes an essential part of this independence.

The United States have exercised navigation in the seas and commerce upon the coasts above mentioned from the time of their independence; and they have a perfect right to this navigation and to this commerce, and they can only be deprived of it by their own act or a Convention.

This is a clear proof of what is demonstrated in other ways, that the whole dispute between the United States and Russia, and between Great Britain and Russia, related to the north-west coast, as Mr. Middleton expresses it, between the "50th and the 60th degrees of north latitude." This statement is in perfect harmony with Mr. Adams' paragraph when given in full. "The United States," Mr. Middleton insists, "have exercised navigation in the seas and commerce upon the coasts above mentioned from the time of their independence;" but he does not say one word in regard to our possessing any rights of navigation or commerce in the Behring's Sea. He declares that Russia has not the right of exclusion or admission on these coasts (between the 50th and the 60th degrees north latitude) nor in these seas, which are *free* seas, evidently emphasizing "free" to distinguish those seas from the Behring's Sea, which was recognized as being under Russian restrictions.

Mr. Middleton wisely and conclusively maintained that if Russia had no claim to the continent between the 50th and 60th degrees north latitude, "still less could she have the dominion of the adjacent maritime territory," or, to make it more specific, "of the sea which washes these coasts." That sea was the Great Ocean, or the South Sea, or the Pacific Ocean, the three names being equally used for the same thing.

The language of Mr. Middleton plainly shows that the lines of latitude were used

simply to indicate the "dominion" on the coast between the 50th and 60th parallels of north latitude.

The important declarations of Mr. Middleton which interpret and enforce the contention of the United States should be regarded as indisputable authority, from the fact that they are but a paraphrase of the instructions which Mr. Adams delivered to him for his guidance in negotiating the Treaty with Count Nesselrode. Beyond all doubt, they prove that Mr. Adams' meaning was the reverse of what Lord Salisbury infers it to be in the paragraph of which he quoted only a part.

The four principal Articles of the Treaty negotiated by Mr. Middleton are as follows:—

"Article I. It is agreed that in any part of the Great Ocean, commonly called the Pacific Ocean or South Sea, the respective citizens or subjects of the High Contracting Powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following Articles.

"Article II. With a view of preventing the rights of navigation and of fishing exercised upon the Great Ocean by the citizens and subjects of the High Contracting Powers from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment without the permission of the Governor or Commander; and that, reciprocally, the subjects of Russia shall not resort without permission to any establishment of the United States upon the north-west coast.

"Article III. It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the north-west coast of America, nor in any of the islands adjacent, to the north of $54^{\circ} 40'$ of north latitude; and that in the same manner there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

"Article IV. It is, nevertheless, understood that during a term of ten years, counting from the signature of the present Convention, the ships of both Powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbours, and creeks upon the coast mentioned in the preceding Article, for the purpose of fishing and trading with the natives of the country."

The 1st Article, by carefully mentioning the *Great Ocean*, and describing it as the ocean "commonly called the Pacific Ocean or South Sea," evidently meant to distinguish it from some other body of water with which the negotiators did not wish to confuse it. Mr. Adams used the term "South Sea" in the despatch quoted by Lord Salisbury, and used it with the same discriminating knowledge that pervades his whole argument on this question. If no other body of water existed within the possible scope of the Treaty, such particularity of description would have had no logical meaning. But there was another body of water already known as the Behring's Sea. That name was first given to it in 1817, according to English authority, seven years before the American Treaty, and eight years before the British Treaty with Russia; but it had been known as a *sea*, separate from the ocean, under the names of the Sea of Kamtchatka, the Sea of Otters, or the Aleutian Sea, at different periods before the Emperor Paul issued his Ukase of 1799.

The 2nd Article plainly shows that the Treaty is limited to the Great Ocean, as separate from Behring's Sea, because the limitation of the "north-west coast" between the 50th and 60th degrees could apply to no other. That coast, as defined both by American and British negotiators at that time, did not border on the Behring's Sea.

The 3rd Article shows the compromise as to territorial sovereignty on the north-west coast. The United States and Great Britain had both claimed that Russia's just boundary on the coast terminated at the 60th degree north latitude, the southern border of the Aleutian Peninsula. Russia claimed to the 51st parallel. They made a compromise by a nearly equal division. An exactly equal division would have given Russia $54^{\circ} 30'$; but 10 miles farther north, Prince of Wales' Island, presented a better geographical point for division, and Russia accepted a little less than half the coast of which she had claimed all, and $54^{\circ} 40'$ was thus established as the dividing point.

The 4th Article of the Treaty necessarily grew out of the claims of Russia to a share of the north-west coast in dispute between the United States and Great Britain. Mr. Adams, in the instruction to Mr. Middleton so often referred to, says:—

"By the IIIrd Article of the Convention between the United States and Great Britain of the 20th October, 1818, it was agreed that any country that might be claimed by either party on the north-west coast of America, westward of the Stony Mountains, should, together with its harbours, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from that date, to the vessels, citizens, and subjects of the two Powers, without prejudice to the claims of either party or of any other State.

"You are authorized to propose an Article of the same purport for a term of ten years from the signature of a joint Convention between the United States, Great Britain, and Russia."

It will be observed that the IVth Article relates solely to the "north-west coast of America," so well understood as the coast of the Pacific Ocean between the 50th and the 60th degrees north latitude, and, therefore, does not in the remotest degree touch the Behring's Sea or the land bordering upon it.

The several Articles in the Treaty between Great Britain and Russia, 16th February, 1825, that could have any bearing on the pending contention are as follows:—

Articles I and II. (Substantially the same as in the Treaty between Russia and the United States.)

"Article III. The line of demarcation between the possessions of the High Contracting Parties, upon the coast of the continent, and the islands of America to the north-west, shall be drawn in the manner following:—

"Commencing from the southernmost point of the island called *Prince of Wales' Island*, which point lies in the parallel of 54° 40' north latitude, and between the 131st and the 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north, along the channel called *Portland Channel* as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and, finally, from the said point of intersection the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the Continent of America to the north-west.

Article V. (Substantially the same as Article III of the Treaty between Russia and the United States.)

"Article VI. It is understood that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the ocean or from the interior of the continent, shall for ever enjoy the right of navigating freely, and without any hindrance whatever, all the rivers and streams which, in their course towards the Pacific Ocean, may cross the line of demarcation upon the line of coast described in Article III of the present Convention.

"Article VII. It is also understood that, for the space of ten years from the signature of the present Convention, the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland seas, the gulfs, havens, and creeks on the coast mentioned in Article III, for the purpose of fishing and of trading with the natives."

After the analysis of the Articles in the American Treaty there is little in the English Treaty that requires explanation. The two Treaties were drafted under circumstances and fitted to conditions quite similar. There were some differences because of Great Britain's ownership of British America. But these very differences corroborate the position of the United States. This is most plainly seen in Article VI. By that Article the subjects of Her Britannic Majesty were guaranteed the right of navigating freely the rivers emptying into the Pacific Ocean and crossing the *line of demarcation upon the line of coast described in Article III*. The line of demarcation is described in Article III as following "the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude." Article IV, qualifying Article III, specifies that "wherever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at a distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and shall never exceed the distance of 10 marine leagues therefrom."

By both these Articles the line of demarcation ceases to have any parallel relation to the coast when it reaches the point of intersection of the 141st degree of west

longitude. From that point the 141st degree of west longitude, as far as it extend⁵ continuously on land northward, is taken as the boundary between the territories of the two Powers. It is thus evident that British subjects were guaranteed the right of navigating only such rivers as crossed the line of demarcation *while it followed the line of coast*. They were limited, therefore, to the rivers that emptied into the Pacific Ocean between 54° 40' and 60° north latitude, the latter being the point on the coast opposite the point where the line of demarcation diverges, Mount St. Elias.

By this Agreement Great Britain was excluded from all rivers emptying into the Behring's Sea, including the Great Yukon and its affluent the Porcupine, which rise, and for a long distance flow, in British America. So complete was the exclusion from Behring's Sea that Great Britain surrendered in this case a doctrine which she had aided in impressing upon the Congress of Vienna for European rivers. She did not demand access to the sea from a river whose source was in her territory. She consented, by signing the Treaty of 1825, to such total exclusion from the Behring's Sea as to forego following her own river to its mouth in that sea.

It shows a curious association of political events that in the Washington Treaty of 1871 the United States conceded to Great Britain the privilege of navigating the Yukon and its branch the Porcupine to the Behring's Sea in exchange for certain privileges conceded to the United States on the St. Lawrence. The request of Great Britain for the privilege of navigating the Yukon and the Porcupine is a suggestive confession that it was withheld from her by Russia in the Treaty of 1825, withheld because the rivers flowed to the Behring's Sea.

The VIIth Article is practically a repetition of the IVth Article in the Treaty between Russia and the United States, and the privilege of fishing and trading with the natives is limited to the coast mentioned in Article III, identically the same line of coast which they were at liberty to pass through to reach British America or to reach the coast from British America. They are excluded from going north of the prescribed point on the coast near Mount St. Elias, and are therefore kept out of Behring's Sea.

It is to be noted that the negotiators of this Treaty in defining the boundary between the Russian and British possessions cease to observe particularity exactly at the point on the coast where it is intersected by the 60th parallel. From that point the boundary is designated by the almost indefinite prolongation northward of the 141st degree of longitude west. It is plain, therefore, that this Treaty, like the Russo-American Treaty, limited the "north-west coast" to that part of the coast between the 50th and 60th parallels of north latitude, as fully set forth by Mr. Middleton in the Protocols preceding the Treaty between the United States and Russia. The negotiators never touched one foot of the boundary of the Behring's Sea, whether on continent or island, and never even made a reference to it. Its nearest point in Bristol Bay was 1,000 miles distant from the field of negotiation between the Powers.

It must not be forgotten that this entire negotiation of the three Powers proceeded with full knowledge and recognition of the Ukase of 1821. While all questions touching the respective rights of the Powers on the north-west coast between the 50th and 60th parallels were discussed and pressed by one side or the other, and finally agreed upon, the terms of the Ukase of 1821, in which the Emperor set forth so clearly the rights claimed and exercised by Russia in the Behring's Sea, were untouched and unquestioned. These rights were therefore admitted by all the Powers negotiating as within the exercise of Russia's lawful authority then, and they were left inviolate by England during all the subsequent continuance of Russia's dominion over Alaska.

These Treaties were therefore a practical renunciation, both on the part of England and the United States, of any rights in the waters of Behring's Sea during the period of Russia's sovereignty. They left the Behring's Sea, and all its coasts and islands, precisely as the Ukase of Alexander in 1821 left them—that is, with the prohibition against any vessel approaching nearer to the coast than 100 Italian miles under danger of confiscation. The original Ukase of Alexander of 1821 claimed as far south as the 51st degree of north latitude, with the inhibition of 100 miles from the coast applying to the whole.

The result of the protest of Mr. Adams, followed by the co-operation of Great Britain, was to force Russia back to 54° 40' as her southern boundary. But there was no renunciation whatever on the part of Russia as to the Behring's Sea, to which the Ukase especially and primarily applied. As a piece of legislation this Ukase was as authoritative in the dominions of Russia as an Act of Parliament is in the dominions of Great Britain or any Act of Congress in the territory of the United States.

Except as voluntarily modified by Russia in the Treaty with the United States, 17th April, 1824, and in the Treaty with Great Britain, 16th February, 1825, the Ukase

of 1821 stood as the law controlling the Russian possessions in America until the close of Russia's ownership by transfer to this Government. Both the United States and Great Britain recognized it, respected it, obeyed it. It did not, as so many suppose, declare the Behring's Sea to be *mare clausum*. It did declare that the waters, to the extent of 100 miles from the shores, were reserved for the subjects of the Russian Empire. Of course, many hundred miles east and west and north and south were thus intentionally left by Russia for the whale fishery, and for fishing open and free to the world, of which other nations took large advantage. Perhaps, in pursuing this advantage, foreigners did not always keep 100 miles from the shore; but the theory of right on which they conducted their business unmolested was that they observed the conditions of the Ukase.

But the 100-mile restriction performed the function for which it was specially designed in preventing foreign nations from molesting, disturbing, or by any possibility sharing in the fur trade. The fur trade formed the principal, almost the sole, employment of the Russian American Company. It formed its employment, indeed, to such a degree that it soon became known only as the Russian American *Fur* Company, and quite suggestively that name is given to the Company by Lord Salisbury in the despatch to which I am replying. While, therefore, there may have been a large amount of lawful whaling and fishing in the Behring's Sea, the taking of furs by foreigners was always and under all circumstances illicit.

Eighteen years after the Treaty of 1825 (in 1843) Great Britain made a Commercial Treaty with Russia based on the principle of reciprocity of advantages, but the rights of the Russian American Company, which under both Ukases included the sovereignty over the sea to the extent of 100 miles from the shores, were reserved by special clause in a separate and special Article signed after the principal Articles of the Treaty had been concluded and signed. Although British rights were enlarged with nearly all other parts of the Russian Empire, her relations with the Russian possessions and with the Behring's Sea remained at precisely the same point where the Treaty of 1825 had placed them.

Again, in 1859, Great Britain still further enlarged her commercial relations with the Emperor of Russia, and again the "possessions" and the Behring's Sea were held firmly in their relations to the Russian American Company as they had been held in the Treaty of 1843.

It is especially notable that, both in the Treaty of 1843 and the Treaty of 1859, it is declared that "in regard to commerce and navigation in the Russian possessions on the north-west coast of America the Convention concluded at St. Petersburg, 16th February, 1825, shall continue in force." The same distinction and the same restrictions which Mr. Adams made in regard to the north-west coast of America were still observed, and Great Britain's access from or to the interior of the continent was still limited to that part of the coast between 54° 40' and a point near Mount St. Elias. The language of the three Russo-British Treaties of 1825, 1843, and 1859 corresponds with that employed in Mr. Adams' despatch to Mr. Middleton to which reference has so frequently been made. This shows that the true meaning of Mr. Adams' paragraph is the key, and indeed the only key, by which the Treaties can be correctly interpreted, and by which expressions apparently contradictory or unintelligible can be readily harmonized.

Immediately following the partial quotation of Mr. Adams' despatch, Lord Salisbury quotes the case of the United States' brig "Loriot" as having some bearing on the question relating to the Behring's Sea. The case happened on the 15th September, 1836, and Mr. Forsyth, Secretary of State, in a despatch to the United States' Minister at St. Petersburg, declared the course of the Russians in arresting the vessel to be a violation of the rights of the citizens of the United States; he claimed that the citizens of the United States had the right immemorially, as well as by the stipulations of the Treaty of 1824, to fish in those waters.

Lord Salisbury's understanding of the case differs entirely from that held by the Government of the United States. The "Loriot" was not arrested in the Behring's Sea at all, nor was she engaged in taking furs. She was arrested, as Mr. Forsyth in his despatch says, in latitude 54° 55', more than 60 miles south of Sitka, on the "north-west coast," to which, and to which only, the Treaty of 1824 referred. Russia upheld its action on the ground that the ten-year term provided in the IVth Article of the Treaty had closed two years before. The case was made the basis of an application on the part of the United States' Government for a renewal of that Article. This application was pressed for several years, but finally and absolutely refused by the Russian Government. Under the claim of Russia that the term of ten years had expired, the United States failed to secure any redress in the "Loriot" case. With all due respect to Lord

Salisbury's judgment, the case of the "Loriot" sustains the entire correctness of the position of the United States in this contention.

It only remains to say that whatever duty Great Britain owed to Alaska as a Russian province, whatever she agreed to do, or to refrain from doing, touching Alaska and the Behring's Sea, was not changed by the mere fact of the transfer of sovereignty to the United States. It was explicitly declared in the VIth Article of the Treaty by which the territory was ceded by Russia, that "the cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominions, and appurtenances thereto." Neither by the Treaty with Russia of 1825, nor by its renewal in 1843, nor by its second renewal in 1859, did Great Britain gain any right to take seals in Behring's Sea. In fact, those Treaties were a prohibition upon her which she steadily respected so long as Alaska was a Russian province. It is for Great Britain now to show by what law she gained rights in that sea after the transfer of its sovereignty to the United States.

During all the time elapsing between the Treaty of 1825 and the cession of Alaska to the United States in 1867, Great Britain never affirmed the right of her subjects to capture fur-seal in the Behring's Sea; and, as a matter of fact, her subjects did not during that long period attempt to catch seals in the Behring's Sea. Lord Salisbury, in replying to my assertion that these lawless intrusions upon the fur-seal fisheries began in 1886, declares that they had occurred before. He points out one attempt in 1870, in which forty-seven skins were found on board an intruding vessel; in 1872 there was a rumour that expeditions were about to fit out in Australia and Victoria for the purpose of taking seal in the Behring's Sea; in 1874 some reports were heard that vessels had entered the sea for that purpose; one case was reported in 1875, two cases in 1884, two also in 1885.

These cases, I may say, without intending disrespect to his Lordship, prove the truth of the statement which he endeavours to controvert; because they form just a sufficient number of exceptions to establish the fact that the destructive intrusion began in 1886. But I refer to them now for the purpose of showing that his Lordship does not attempt to cite the intrusion of a single British sealer into the Behring's Sea until after Alaska had been transferred to the United States. I am justified, therefore, in repeating the questions I addressed to Her Majesty's Government on the 22nd of last January, and which still remain unanswered, viz.:—

"Whence did the ships of Canada derive the right to do in 1886 that which they had refrained from doing for nearly ninety years?"

"Upon what grounds did Her Majesty's Government defend in the year 1886 a course of conduct in the Behring's Sea which had been carefully avoided ever since the discovery of that sea?"

"By what reasoning did Her Majesty's Government conclude that an act may be committed with impunity against the rights of the United States which had never been attempted against the same rights when held by the Russian Empire?"

I have, &c.

(Signed) JAMES G. BLAINE.

No. 375.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received July 3.)

(Telegraphic.) Washington, July 3, 1890.

I HAD a long interview with Mr. Blaine yesterday. He said that his health necessitated his departure, and that he had decided to leave for Bar Harbour to-day.

Alluding to the Behring's Sea question, he said that it was too late now to make any arrangement which would affect the present fishery season, but that he was prepared to continue the negotiations with me from Bar Harbour, as I should probably soon be in the neighbourhood.

No. 376.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received July 7.)

My Lord, Washington, June 18, 1890.

I HAVE the honour to report that on Saturday, the 14th instant, as instructed in your Lordship's telegram of the 11th instant, I addressed to the United States' Secretary

of State the Protest against any further interference with British sealers in Behring's Sea, the draft of which was inclosed in your Lordship's despatch of the 29th ultimo.

I have the honour to inclose herewith copy of the Protest as delivered, together with copy of the covering note to Mr. Blaine.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

Inclosure 1 in No. 376.

Sir J. Pouncefote to Mr. Blaine.

Sir, Washington, June 14, 1890.

WITH reference to the note which I had the honour to address to you on the 11th instant, I desire to express to you my deep regret at having failed up to the present time to obtain from you the assurance which I had hoped to receive, that during the continuance of our negotiations for the settlement of the Fur-seal Fishery question, British sealing-vessels would not be interfered with by United States' Revenue cruizers on the Behring's Sea outside of territorial waters.

Having learnt from statements in the public press and from other sources that the Revenue-cruizers "Rush" and "Corwin" are now about to be dispatched to the Behring's Sea, I cannot, consistently with the instructions I have received from my Government, any longer defer the communication of their formal Protest, announced in my notes of the 23rd ultimo and the 11th instant, against any such interference with British vessels. I have accordingly the honour to transmit the same herewith.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

Inclosure 2 in No. 376.

Protest.

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, has the honour, by instructions of his Government, to make to the Honourable J. G. Blaine, Secretary of State of the United States, the following communication:—

Her Britannic Majesty's Government have learnt with great concern, from notices which have appeared in the press, and the general accuracy of which has been confirmed by Mr. Blaine's statements to the Undersigned, that the Government of the United States have issued instructions to their Revenue cruizers about to be dispatched to Behring's Sea, under which the vessels of British subjects will again be exposed, in the prosecution of their legitimate industry on the high seas, to unlawful interference at the hands of American officers.

Her Britannic Majesty's Government are anxious to co-operate to the fullest extent of their power with the Government of the United States in such measures as may be found to be expedient for the protection of the seal fisheries. They are at the present moment engaged in examining, in concert with the Government of the United States, the best method of arriving at an agreement upon this point. But they cannot admit the right of the United States of their own sole motion to restrict for this purpose the freedom of Behring's Sea, which the United States have themselves in former years convincingly and successfully vindicated, nor to enforce their municipal legislation against British vessels on the high seas beyond the limits of their territorial jurisdiction.

Her Britannic Majesty's Government are therefore unable to pass over without notice the public announcement of an intention on the part of the Government of the United States to renew the acts of interference with British vessels navigating outside the territorial waters of the United States, of which they have previously had to complain.

The Undersigned is in consequence instructed formally to protest against such interference, and to declare that Her Britannic Majesty's Government must hold the

Government of the United States responsible for the consequences which may ensue from acts which are contrary to the principles of international law.

The Undersigned has the honour to renew to Mr. Blaine the assurances of his highest consideration.

(Signed) JULIAN PAUNCEFOTE.

No. 377.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received July 7.)

My Lord,

Washington, June 27, 1890.

I HAVE the honour to transmit herewith a remarkable article on the subject of the Behring's Sea negotiations which appeared in the "New York Herald" of yesterday.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 377.

Extract from the "New York Herald" of June 26, 1890.

(From our regular Correspondent.)

*"Herald" Bureau, corner of Fifteenth and G Streets, N.W.,
Washington, June 25, 1890.*

THE story of a recent interference by the President with the conduct and progress of the Behring's Sea negotiations has been circulating confidentially in Washington for several weeks. Its publication now, after the interposition of the President had ceased and the mischief threatened by it had passed away, is regarded in some quarters as a counter-attack on Mr. Blaine for his alleged Tariff heresy.

The following is a plain statement of the facts of the Behring's Sea episode, obtained from an authoritative source. It shows that, as soon as the President saw the consequences of his well-meant intention, and that he had separated himself in some degree from Mr. Blaine, he hastened to reunite himself to the Secretary and to strengthen the latter's position to the fullest extent as against adverse influences in the Administration.

Steps in Diplomacy.

The oral discussion of the Behring's Sea question began between Secretary Blaine and Minister Pauncefote last January. The Secretary advanced and the Minister combated the claim of a territorial jurisdiction by the United States over all that part of Behring's Sea lying east and south of the boundary-line drawn through Behring's Strait and across the sea by the Treaty with Russia for the cession of Alaska to this country. Without coming to a head the discussion was laid aside by mutual consent and without prejudice to the position of either party, for the reason that the British Representative admitted that his Government was not only willing, but desirous, on grounds of good neighbourhood and of a mutual interest, to enter into an arrangement that would efficiently protect the seals resorting to Behring's Sea from injurious molestation or slaughter.

As these were the very and the only objects for which the United States' Government was desirous to establish its claim to a territorial jurisdiction in the waters of the sea, it was agreed to shift the discussion to the project of an international regulation of seal-catching wherein a prohibition of marine sealing during the annual breeding season should form a leading position. Russia, being a necessary party to such an arrangement, and having an identical interest with that of the United States as the owner of seal-rookeries in Behring's Sea, was invited to take part in the new discussion, and did so through its Resident Envoy at Washington.

Mr. Blaine, however, was not satisfied to rest wholly upon the British assurance that England was even something more than willing to assist the United States in taking due

care of its seal property. In preparing for his friendly and informal conferences with the British Minister he had taken, upon his notes, a suggestion to draw into discussion the question, in view of the peculiar habits of the fur-seal (which though nomadic during part of each year returned regularly and for a considerable period to its home within the United States), whether this Government might not lay claim to a right to extend a reasonable protection to the animal during its various movements in the waters surrounding its rookeries.

This discussion he pressed upon the Minister, relying upon the well-established English doctrine of the "intention to return" to offset the legal argument that property in animals of a wild nature is limited to the period of possession. This second and independent claim to a police jurisdiction in Behring's Sea is still pending, and the arguments on both sides of it have been fully and formally stated, with the help of competent lawyers, and made matter of record, should it ever become necessary to revert to the claim.

A Close Season.

Up to the stage above indicated the negotiations had proceeded without obstruction. Not till the Plenipotentiaries came together to settle principal details of the agreed International Regulations did it appear that while the United States contemplated a close season in Behring's Sea covering the whole period of six months or more during which the seals were moving into and out of the sea and were reposing at the rookeries, Great Britain proposed simply such arrangements as would reasonably guard against an excessive catching of female seals, by which the perpetuity of the herd would be endangered. In lieu of a single and continuous close season, covering the whole time of the yearly presence of the seals in Behring's Sea, which was the project of the United States, the British proposal was of two short periods of closure, one during the inward and another during the outward movement of the seals, supplemented by a broad belt of isolation around the rookeries, which no sealing-vessel was to penetrate.

Mr. Blaine was confident that the Senate of the United States would not ratify such a Convention as the British Plenipotentiary proposed, nor Congress enact the legislation necessary to give it effect. Sir Julian was equally sure that neither the British nor the Canadian Parliament would legislate upon the broad lines laid down by Mr. Blaine. Still both Plenipotentiaries were agreed upon the principle that there should be an effective regulation of the sealing industry, to be attained by mutual co-operation. The Russian proposition accorded with that of the United States, but the Russian Minister left it to our Government, as the larger proprietor of rookeries, to act for both.

The real trouble lay in the statements and opinions of experts, upon which both negotiants necessarily had to rely. To settle the defects and conflicts of this so-called evidence, and to produce a satisfactory basis for a Convention and the legislation necessitated by it, a proposal was moved from the British side to assemble a Joint Technical Commission to examine, decide, and report what was actually necessary to carry out the well-settled intention of the parties. After a very careful and deliberate consideration of this proposal, in which the main question was studied in every possible aspect, Mr. Blaine gave his adhesion to it.

At this point the new lessees of the Alaskan Seal Islands intervened. They were not willing to put at issue, in any manner of form, the question whether there should be any marine sealing in Behring's Sea, however restricted. To make a long story short, they prevailed, but not at the State Department. The control of the negotiations was taken from Mr. Blaine, and he was only permitted, as the organ of the Government, to reject the *modus vivendi* proposed by the British Government to carry the parties safely through the sealing season then close at hand, and report what he could learn or guess of the probable action or disposition of Lord Salisbury. The project of a Technical Commission was dropped clean out of sight.

Ordered to use Force.

The Revenue cutters were ordered to Behring's Sea, there to enforce within disputed waters the full vigour of a Law passed with a view to waters not in dispute, and the extension of which Law to the waters in dispute Congress had shrunk from as lately as 1889, when the question of such an extension was squarely presented by a Bill which went into Conference and became a Law. Inquirers at the Treasury Department were informed that the sailing orders to the cutters meant all they said; that no secret or supplementary orders would issue in favour of British vessels, and that any such vessel

sealing in Behring's Sea would be seized, relieved of its lading and papers, and be dismantled.

Mr. Blaine knew that the original question at issue had broadened into the larger one of an exercise of the right of search in time of peace upon what, with considerable force of argument and weight of authority, was claimed to be a part of the high seas, and without the consent of the friendly Power whose vessels were to be subjected to an indignity which the United States had once to gone to war to resent. What he knew the new conductors of the negotiations knew necessarily. But they scouted the idea that England would do more than protest, and they were not afraid of protestation.

England protests.

All at once it became known that Lord Salisbury meant to do the very thing he was expected not to do, and to protect by force, if necessary, British vessels and subjects in Behring's Sea. The situation was hastily reviewed, and the conclusion reached that, upon the record of the case as made since January last, the Government could not afford to go before the world, nor even before the press and people of the United States, with a defence of its contemplated policy of violence.

The Revenue cutters were stopped at Puget Sound to await further orders. The negotiations were restored to the charge of the Secretary of State, who improvised a proposal designed to cover a retreat not necessitated by himself and to put the question back to a normal and proper situation.

There will be no trouble in Behring's Sea. The claims of the United States have been preserved in full vigour, and before the opening of another sealing season a settlement will be reached honourable and advantageous to the United States.

Arbitration expected.

It is expected that within the next ten or twelve days the negotiations will be so far advanced that new sailing orders may be issued to the "Rush" and "Corwin," which vessels will then resume their interrupted voyage to Behring's Sea, there to perform all the duties required by law, but not to exercise a disputed jurisdiction which it is the expectation of the Government to submit to the determination of some disinterested Power or Sovereign, possibly Pope Leo XIII, as intimated many months ago in these despatches.

Mr. Blaine gave it as an excuse that he could not visit Chicago this week, when pressed to do so, because of the importance of the Behring's Sea negotiations now favourably progressing, as he said.

No. 378.

Sir J. Pouncefote to the Marquis of Salisbury.—(Received July 7.)

My Lord, Washington, June 27, 1890.

I HAVE the honour to transmit copy of a note which I addressed to Mr. Blaine immediately upon the receipt of your Lordship's telegram of the 26th instant.

I trust that it will meet with your Lordship's approval.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 378.

Sir J. Pouncefote to Mr. Blaine.

Sir,

Washington, June 27, 1890.

I DID not fail to transmit to the Marquis of Salisbury a copy of your note of the 11th instant, in which, with reference to his Lordship's statement, that British legislation would be necessary to enable Her Majesty's Government to exclude British vessels from any portion of the high seas, "even for an hour," you informed me, by desire of the President, that the United States' Government would be satisfied "if Lord Salisbury would, by public Proclamation, simply request that vessels sailing under the British flag should abstain from entering the Behring's Sea during the present season."

I have now the honour to inform you that I have been instructed by Lord Salisbury

to state to you, in reply, that the President's request presents constitutional difficulties which would preclude Her Majesty's Government from acceding to it, except as part of a general scheme for the settlement of the Behring's Sea controversy, and on certain conditions which would justify the assumption by Her Majesty's Government of the grave responsibility involved in the proposal.

Those conditions are:—

1. That the two Governments agree forthwith to refer to arbitration the question of the legality of the action of the United States' Government in seizing or otherwise interfering with British vessels engaged in the Behring's Sea, outside of territorial waters, during the years 1886, 1887, and 1889.

2. That, pending the award, all interference with British sealing-vessels shall absolutely cease.

3. That the United States' Government, if the award should be adverse to them on the question of legal right, will compensate British subjects for the losses which they may sustain by reason of their compliance with the British Proclamation.

Such are the three conditions on which it is indispensable, in the view of Her Majesty's Government, that the issue of the proposed Proclamation should be based.

As regards the compensation claimed by Her Majesty's Government for the losses and injuries sustained by British subjects by reason of the action of the United States' Government against British sealing-vessels in the Behring's Sea during the years 1886, 1887, and 1889, I have already informed Lord Salisbury of your assurance that the United States' Government would not let that claim stand in the way of an amicable adjustment of the controversy, and I trust that the reply which, by direction of Lord Salisbury, I have now the honour to return to the President's inquiry, may facilitate the attainment of that object, for which we have so long and so earnestly laboured.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 379.

Sir J. Pauncefote to the Marquis of Salisbury.—(Received July 9.)

(Telegraphic.)

Washington, July 9, 1890.

IN the House of Representatives to-day, on the motion of Mr. Hitt, the Chairman of the House Committee on Foreign Affairs, a Resolution was adopted, "That the President be requested to furnish the House with the correspondence between the Government of the United States and the Government of Great Britain touching the subjects in dispute in the Behring's Sea since the 4th March, 1889."

No. 380.

The Marquis of Salisbury to Sir J. Pauncefote.

Sir,

Foreign Office, July 10, 1890.

I APPROVE the note addressed by you to Mr. Blaine on the subject of the issue of a Proclamation requesting British vessels to abstain from entering the Behring's Sea during the present sealing season, of which a copy was inclosed in your despatch of the 27th ultimo.

I am, &c.

(Signed) SALISBURY.

No. 381.

The Marquis of Salisbury to Sir J. Pauncefote.

Sir,

Foreign Office, July 10, 1890

I APPROVE the terms of the note in which you forwarded to Mr. Blaine the protest of Her Majesty's Government against any further interference with British sealers in Behring's Sea, as reported in your despatch of the 18th ultimo.

I am, &c.

(Signed) SALISBURY.

No. 382.

The Marquis of Salisbury to Sir J. Pauncefote.

Sir,

Foreign Office, August 2, 1890.

I HAVE received and laid before the Queen your despatch of the 1st ultimo, forwarding a copy of a note from Mr. Blaine, in which he maintains that the United States have derived from Russia rights of jurisdiction over the waters of Behring's Sea to a distance of 100 miles from the coasts transferred to them under the Treaty of the 30th March, 1867.

In replying to the arguments to the contrary effect contained in my despatch of the 22nd May, Mr. Blaine draws attention to certain expressions which I had omitted for the sake of brevity in quoting from Mr. Adams' despatch of the 22nd July, 1823. He contends that these words give a different meaning to the despatch, and that the latter does not refute, but actually supports, the present claim of the United States. It becomes necessary, therefore, that I should refer in greater detail to the correspondence, an examination of which will show that the passage in question cannot have the signification which Mr. Blaine seeks to give to it, that the words omitted by me do not in reality affect the point at issue, and that the view which he takes of the attitude both of Great Britain and of the United States towards the claim put forward by Russia in 1822 cannot be reconciled with the tenour of the despatches.

It appears from the published papers that in 1799 the Emperor Paul I granted by Charter to the Russian American Company the exclusive right of hunting, trade, industries, and discoveries of new land on the north-west coast of America from Behring's Strait to the 55th degree of north latitude, with permission to the Company to extend their discoveries to the south and to form establishments there, provided they did not encroach upon the territory occupied by other Powers.

The southern limit thus provisionally assigned to the Company corresponds, within 20 or 30 miles, with that which was eventually agreed upon as the boundary between the British and Russian possessions. It comprises not only the whole American coast of Behring's Sea, but a long reach of coast-line to the south of the Alaskan Peninsula as far as the level of the southern portion of Prince of Wales' Island.

The Charter, which was issued at a time of great European excitement, attracted apparently little attention at the moment, and gave rise to no remonstrance. It made no claim to exclusive jurisdiction over the sea, nor do any measures appear to have been taken under it to restrict the commerce, navigation, or fishery of the subjects of foreign nations. But in September 1821 the Russian Government issued a fresh Ukase, of which the provisions material to the present discussion were as follows:—

"Section 1. The pursuits of commerce, whaling, and fishing, and of all other industry, on all islands, ports, and gulfs, including the whole of the north-west coast of America, beginning from Behring's Strait to the 51st degree of northern latitude; also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring's Strait to the south cape of the Island of Urup, viz., to 45° 50' northern latitude, are exclusively granted to Russian subjects.

"Sec. 2. It is therefore prohibited to all foreign vessels not only to land on the coasts and islands belonging to Russia, as stated above, but also to approach them within less than 100 Italian miles. The transgressor's vessel is subject to confiscation, along with the whole cargo."

By this Ukase the exclusive dominion claimed by Russia on the American Continent was pushed some 250 miles to the south as far as Vancouver Island, and notice

was for the first time given of a claim to maritime jurisdiction which was regarded both in England and the United States as extravagant, or, to use Lord Stowell's description of it, "very unmeasured and insupportable."

Upon receiving communication of the Ukase, the British and United States' Governments at once objected both to the extension of the territorial claim and to the assertion of maritime jurisdiction. For the present, I will refer only to the protest of the United States' Government. This was made in a note from Mr. John Quincy Adams, then Secretary of State, to the Russian Representative, dated the 25th February, 1822, which contains the following statement:—

"I am directed by the President of the United States to inform you that he has seen with surprise in this Edict the assertion of a territorial claim on the part of Russia extending to the 51st degree of north latitude on this continent, and a regulation interdicting to all commercial vessels other than Russian, upon the penalty of seizure and confiscation, the approach upon the high seas within 100 Italian miles of the shores to which that claim is made to apply. The relations of the United States with His Imperial Majesty have always been of the most friendly character, and it is the earnest desire of this Government to preserve them in that state. It was expected, before any act which should define the boundary between the territories of the United States and Russia on this continent, that the same would have been arranged by Treaty between the parties. To exclude the vessels of our citizens from the shore, beyond the ordinary distance to which the territorial jurisdiction extends, has excited still greater surprise.

"This Ordinance affects so deeply the rights of the United States and of their citizens that I am instructed to inquire whether you are authorized to give explanations of the grounds of right, upon principles generally recognized by the laws and usages of nations, which can warrant the claims and regulations contained in it."

The Russian Representative replied at length, defending the territorial claim on grounds of discovery, first occupation, and undisturbed possession, and explaining the motive "which determined the Imperial Government to prohibit foreign vessels from approaching the north-west coasts of America belonging to Russia, within the distance of at least 100 Italian miles. This measure," he said, "however severe it may at first view appear, is after all but a measure of prevention." He went on to say that it was adopted in order to put a stop to an illicit trade in arms and ammunition with the natives, against which the Russian Government had frequently remonstrated; and further on he observed:—

"I ought, in the last place, to request you to consider, Sir, that the Russian possessions in the Pacific Ocean extend, on the north-west coast of America, from Behring's Strait to the 51st degree of north latitude, and on the opposite side of Asia and the islands adjacent, from the same strait to the 45th degree, the extent of sea of which these possessions form the limits comprehends all the conditions which are ordinarily attached to *shut seas* ('mers fermées'), and the Russian Government might, consequently, judge itself authorized to exercise upon this sea the right of sovereignty, and especially that of entirely interdicting the entrance of foreigners. But it preferred only asserting its essential rights, without taking any advantage of localities."

To this Mr. Adams replied (30th March, 1822), pointing out that the only ground given for the extension of the Russian territorial claim was the establishment of a settlement, not upon the continent, but upon a small island, actually within the limits prescribed to the Russian American Company in 1799, and he went on to say:—

"This pretension is to be considered not only with reference to the question of territorial right, but also to that prohibition to the vessels of other nations, including those of the United States, to approach within 100 Italian miles of the coasts. From the period of the existence of the United States as an independent nation, their vessels have freely navigated those seas, and the right to navigate them is a part of that independence.

"With regard to the suggestion that the Russian Government might have justified the exercise of sovereignty over the Pacific Ocean as a close sea, because it claims territory both on its American and Asiatic shores, it may suffice to say that the distance from shore to shore on this sea, in latitude 51° north, is not less than 90 degrees of longitude, or 4,000 miles."

The Russian Representative replied to this note, endeavouring to prove that the territorial rights of Russia on the north-west coast of America were not confined to the limits of the Concession granted to the Russian American Company in 1799, and arguing that the great extent of the Pacific Ocean at the 51st degree of latitude did not invalidate the right which Russia might have to consider that part of the ocean as closed. But he added that further discussion of this point was unnecessary, as the Imperial Government had not thought fit to take advantage of that right.

The correspondence then dropped for a time, to be resumed in the following spring. But it is perfectly clear from the above that the privileges granted to the

Russian American Company in 1799, whatever effect they may have had as regards other Russian subjects, did not operate to exclude American vessels from any part of the coast, and that the attempt to exclude them in 1821 was at once resisted. Further, that the Russian Government had no idea of any distinction between Behring's Sea and the Pacific Ocean, which latter they considered as reaching southward from Behring's Straits. Nor throughout the whole of the subsequent correspondence is there any reference whatever on either side to any distinctive name for Behring's Sea, or any intimation that it could be considered otherwise than as forming an integral part of the Pacific Ocean.

I now come to the despatch from Mr. Adams to Mr. Middleton of the 22nd July, 1823, to which reference has before been made, and which it will be necessary to quote somewhat at length. After authorizing Mr. Middleton to enter upon a negotiation with the Russian Ministers concerning the differences which had arisen from the Ukase of the 4th (16th) September, 1821 Mr. Adams continues:—

"From the tenour of the Ukase, the pretensions of the Imperial Government extend to an exclusive territorial jurisdiction from the 45th degree of north latitude, on the Asiatic coast, to the latitude of 51° north on the western coast of the American Continent; and they assume the right of interdicting the navigation and the fishery of all other nations to the extent of 100 miles from the whole of that coast.

"The United States can admit no part of these claims. Their right of navigation and of fishing is perfect, and has been in constant exercise from the earliest times, after the peace of 1783, throughout the whole extent of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions, which, so far as Russian rights are concerned, are confined to certain islands north of the 55th degree of latitude, and have no existence on the continent of America."

Mr. Blaine has argued at great length to show that when Mr. Adams used these clear and forcible expressions he did not mean what he seemed to say; that when he stated that the United States "could admit no part of these claims," he meant that they admitted all that part of them which related to the coast north of the Aleutian Islands; that when he spoke of the Southern Ocean, he meant to except Behring's Sea; and that when he contended that the ordinary exceptions and exclusions of the territorial jurisdictions had no existence, so far as Russian rights were concerned, on the Continent of America, he used the latter term not in a geographical but in a "territorial" sense, and tacitly excepted, by a very singular *petitio principii*, the Russian possessions. In order to carry out this theory, it is necessary for him also to assume that the negotiators in the course of the discussions made indiscriminate use of the term "north-west coast of America," with a variety of signification which he admits to be "confusing, and, at certain points, apparently contradictory and irreconcilable."

The reputation of the American statesmen and diplomatists of that day for caution and precision affords of itself strong argument against such a view, and, even if this had been otherwise, so forced a construction would require very strong evidence to confirm it. But a glance at the rest of the despatch and at the other papers will show that the more simple interpretation of the words is the correct one. For Mr. Adams goes on to say:—

"The correspondence between M. Poletica and this Department contained no discussion of the principles or of the facts upon which he attempted the justification of the Imperial Ukase. This was purposely avoided on our part, under the expectation that the Imperial Government could not fail, upon a review of the measure, to revoke it altogether. It did, however, excite much public animadversion in this country, as the Ukase itself had already done in England. I inclose herewith the 'North American Review' for October 1822, No. 37, which contains an Article (p. 370) written by a person fully master of the subject; and for the view of it taken in England I refer you to the fifty-second number of the 'Quarterly Review,' the article upon Lieutenant Kotzebue's voyages. From the article in the 'North American Review' it will be seen that the rights of discovery, of occupancy, and of uncontested possession, alleged by M. Poletica, are all without foundation in fact. . . ."

On reference to the last-mentioned article, it will be found that the writer states that "a trade to the north-western coast of America and the free navigation of the waters that wash its shores have been enjoyed as a common right by subjects of the United States and of several European Powers, without interruption, for nearly forty years. We are by no means prepared to believe, or admit, that all this has been on sufferance merely, and that the *rights* of commerce and navigation in that region have been vested in Russia alone." Further on he puts the question in the following manner (the italics are his own): "It is not, we apprehend, whether Russia has any settlements that give her territorial claims on the Continent of

America. This we do not deny—but it is *whether the location of those settlements and the discoveries of her navigators are such as they are represented to be; whether they entitle her to the exclusive possession of the whole territory north of 51°, and to sovereignty over the Pacific Ocean beyond that parallel.*”

These passages sufficiently illustrate Mr. Adams’ meaning, if any evidence be required that he used plain language in its ordinary sense. Clearly he meant to deny that the Russian settlements or discoveries gave Russia any claim as of right to exclude the navigation or fishery of other nations from any part of the seas on the coast of America, and that her rights in this respect were limited to the territorial waters of certain islands of which she was in permanent and complete occupation.

Having distinctly laid down this proposition as regards the rights of the case, Mr. Adams went on to state what the United States were ready to agree to as a matter of Conventional arrangement. He said:—

“With regard to the territorial claim, separate from the right of traffic with the natives and from any system of colonial exclusions, we are willing to agree to the boundary-line within which the Emperor Paul had granted exclusive privileges to the Russian American Company, that is to say, latitude 55°.

“If the Russian Government apprehend serious inconvenience from the illicit traffic of foreigners with their settlements on the north-west coast, it may be effectually guarded against by stipulations similar to those a draft of which is herewith subjoined, and to which you are authorized, on the part of the United States, to agree. . . .”

The draft Convention was as follows:—

“Draft of Treaty between the United States and Russia.”

“Article I. In order to strengthen the bonds of friendship, and to preserve in future a perfect harmony and good understanding between the Contracting Parties, it is agreed that their respective citizens and subjects shall not be disturbed or molested, either in navigating or in carrying on their fisheries in the Pacific Ocean or in the South Seas, or in landing on the coasts of those seas, in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, subject, nevertheless, to the restrictions and provisions specified in the two following Articles.

“Art. II. To the end that the navigation and fishery of the citizens and subjects of the Contracting Parties, respectively, in the Pacific Ocean or in the South Seas may not be made a pretext for illicit trade with their respective settlements, it is agreed that the citizens of the United States shall not land on any part of the coast actually occupied by Russian settlements, unless by permission of the Governor or Commander thereof, and that Russian subjects shall, in like manner, be interdicted from landing without permission at any settlement of the United States on the said north-west coast.

“Art. III. It is agreed that no settlement shall be made hereafter on the north-west coast of America by citizens of the United States or under their authority, north, nor by Russian subjects, or under the authority of Russia, south of the 55th degree of north latitude.”

In an explanatory despatch to Mr. Rush, the American Minister in London, same date, Mr. Adams says:—

“The right of carrying on trade with the natives throughout the north-west coast they (the United States) cannot renounce. With the Russian settlements at Kodiak, or at New Archangel, they may fairly claim the advantage of a free trade, having so long enjoyed it unmolested, and because it has been and would continue to be as advantageous at least to those settlements as to them. But they will not contest the right of Russia to prohibit the traffic, as strictly confined to the Russian settlement itself, and not extending to the original natives of the coast. . . .”

It is difficult to conceive how the term “north-west coast of America” used here and elsewhere can be interpreted otherwise than as applying to the north-west coast of America generally, or how it can be seriously contended that it was meant to denote only the more westerly portion, excluding the more north-westerly part, because by becoming a Russian possession this latter had ceased to belong to the American Continent.

Mr. Blaine states that when Mr. Middleton declared that Russia had no right of exclusion on the coasts of America between the 50th and 60th degrees of north latitude, nor in the seas which washed those coasts, he intended to make a distinction between Behring’s Sea and the Pacific Ocean. But upon reference to a Map, it will be seen that the 60th degree of north latitude strikes straight across Behring’s Sea, leaving by far the larger and more important part of it to the south; so that I confess it appears to me that by no conceivable construction of his words can Mr. Middleton be supposed to have excepted that sea from those which he declared to be free.

With regard to the construction which Mr. Blaine puts upon the Treaty between the United States and Russia of the 17th April, 1824, I will only say that it is, as far as I am aware, an entirely novel one, that there is no trace of its having been

known to the various publicists who have given an account of the controversy in Treaties on International Law, and that it is contrary, as I shall show, to that which the British negotiators placed on the Treaty when they adopted the 1st and 2nd Articles for insertion in the British Treaty of the 28th February, 1825. I must further dissent from his interpretation of Article VII of the latter Treaty. That Article gives to the vessels of the two Powers "liberty to frequent all the inland seas, gulfs, havens, and creeks on the coast mentioned in Article III, for the purpose of fishing and of trading with the natives." The expression "coast mentioned in Article III" can only refer to the first words of the Article: "The line of demarcation between the possessions of the High Contracting Parties upon the coast of the continent and the islands of America to the north-west shall be drawn," &c. That is to say, it included all the possessions of the two Powers on the north-west coast of America. For there would have been no sense whatever in stipulating that Russian vessels should have freedom of access to the small portion of coast which, by a later part of the Article, is to belong to Russia. And as bearing on this point it will be noticed that Article VI, which has a more restricted bearing, speaks only of "the subjects of His Britannic Majesty," and of "the *line of coast described in Article III.*"

The stipulations of the Treaty were formally renewed by Articles inserted in the General Treaties of Commerce between Great Britain and Russia of 1843 and 1859. But Mr. Blaine states that "the rights of the Russian American Company, which, under both Ukases, included the sovereignty over the sea to the extent of 100 miles from the shores, were reserved by special clause in a separate and special Article signed after the principal Articles of the Treaty had been concluded and signed."

Upon this I have to observe, in the first place that the Ukase of 1799 did not contain any mention whatever of sovereignty over the sea; secondly, that the context of the Separate Article is such as altogether to preclude the interpretation that it was meant to recognize the objectionable claim contained in the Ukase of 1821. I will quote the Article at length:—

"Separate Article II.

"It is understood in like manner that the exceptions, immunities, and privileges hereinafter mentioned shall not be considered as at variance with the principle of reciprocity which forms the basis of the Treaty of this date, that is to say:—

"1. The exemption from navigation dues during the first three years, which is enjoyed by vessels built in Russia and belonging to Russian subjects.

"2. The exemptions of the like nature granted in the Russian ports of the Black Sea, the Sea of Azof, and the Danube to such Turkish vessels arriving from ports of the Ottoman Empire situated on the Black Sea, as do not exceed 80 lasts burden.

"3. The permission granted to the inhabitants of the coast of the Government of Archangel, to import duty free, or on payment of moderate duties, into the ports of the said Government, dried or salted fish, as likewise certain kinds of furs, and to export therefrom, in the same manner, corn, rope and cordage, pitch, and ravensduck.

"4. The privilege of the Russian American Company.

"5. The privilege of the Steam Navigation Companies of Lubeck and Havre; lastly,

"6. The immunities granted in Russia to certain English Companies, called 'Yacht Clubs.'"

To suppose that under the simple words, "the privilege of the Russian American Company," placed in connection with the privilege of French and German Steam Navigation Companies, and the immunities of yacht clubs, it was intended to acknowledge a claim of jurisdiction against which Her Majesty's Government had formally protested as contrary to international law, and which it had avowedly been one of the main objects of the Treaty of 1825 to extinguish, is a suggestion too improbable to require any lengthened discussion.

But Her Majesty's Government did not of course agree to the Article without knowing what was the exact nature of the privileges thus excepted from reciprocity. They had received from the Russian Ambassador, in December 1842, an explanatory Memorandum on this subject, of which the following is the portion relating to the Russian American Company:—

"IV.

"La Compagnie Russe-Américaine a le privilège d'expédier francs de droits: de Cronstadt autour du monde et d'Ochotsk dans les Colonies Russes, les produits Russes ainsi que les marchandises étrangères dont les droits ont déjà été prélevés; de même d'importer au retour de ces Colonies des cargaisons de pelleteries et d'autres produits de ces Colonies, sans payer aucun droit si d'après les lois générales il n'est pas établi d'impôt particulier intérieur sur les marchandises de pelleterie.

"*Observation.*—D'après le Tarif en vigueur, l'importation des fourrures dans les ports de St.-Petersbourg et d'Archangel, de production Russe et sur des vaisseaux Russes, est admise sans droits."

It is surely incredible that if the privilege of the Russian American Company did comprise a right of excluding vessels from approaching within 100 miles of the shore, it should not even have been alluded to in this explanation.

Nor is it possible to agree in Mr. Blaine's view, that the exclusion of foreign vessels for a distance of 100 miles from the coast remained in force pending the negotiations, and in so far as it was not modified by the Conventions. A claim of jurisdiction over the open sea, which is not in accordance with the recognized principles of international law or usage, may, of course, be asserted by force, but cannot be said to have any legal validity as against the vessels of other countries, except in so far as it is positively admitted by Conventional Agreements with those countries.

I do not suppose that it is necessary that I should argue at length upon so elementary a point as that a claim to prohibit the vessels of other nations from approaching within a distance of 100 miles from the coast is contrary to modern international usage. Mr. Adams and Mr. Canning clearly thought in 1823 that the matter was beyond doubt or discussion.

The rule which was recognized at that time, and which has been generally admitted both by publicists and Governments, limits the jurisdiction of a country in the open sea to a distance of 3 miles from its coasts, this having been considered to be the range of a cannon-shot when the principle was adopted.

Wheaton, who may be regarded as a contemporary authority, equally respected in Europe and America, says :—

“The maritime territory of every State extends to the ports, harbours, bays, mouths of rivers, and adjacent parts of the sea inclosed by headlands belonging to the same State. The general usage of nations superadds to this extent of territorial jurisdiction a distance of a marine league, or as far as a cannon-shot will reach from the shore along all the coasts of the State.”

And again—

“The rule of law on this subject is *terre dominium finitur ubi finitur armorum vis*; and since the introduction of fire-arms that distance has usually been recognized to be about 3 miles from the shore.”

Chancellor Kent, who is inclined to advocate a more extended limit, still admits that :—

“According to the current of modern authority, the general territorial jurisdiction extends into the sea as far as cannon-shot will reach, and no farther; and this is generally calculated to be a marine league.”

Calvo, one of the most recent text-writers, makes a corresponding statement :—

“Les limites juridictionnelles d'un État embrassent non seulement son territoire, mais encore les eaux qui le traversent ou l'entourent, les ports, les baies, les golfes, les embouchures des fleuves et les mers enclavées dans son territoire. L'usage général des nations permet également aux États d'exercer leur juridiction sur la zone maritime jusqu'à 3 mille marins ou à la portée de canon de leurs côtes.”

But I need scarcely appeal to any other authority than that of the United States' Government itself.

In a note to the Spanish Minister, dated the 16th December, 1862, on the subject of the Spanish claim to a 6-mile limit at sea, Mr. Seward stated :—*

“A third principle bearing on the subject is also well established, namely, that this exclusive sovereignty of a nation—thus abridging the universal liberty of the seas—extends no farther than the power of the nation to maintain it by force, stationed on the coast, extends. This principle is tersely expressed in the maxim : ‘*Terre dominium finitur ubi finitur armorum vis*.’

“But it must always be a matter of uncertainty and dispute at what point the force of arms, exerted on the coast, can actually reach. The publicists rather advanced towards than reached a solution when they laid down the rule that the limit of the force is the range of a cannon-ball. The range of a cannon-ball is shorter or longer according to the circumstances of projection, and it must be always liable to change with the improvement of the science of ordnance. Such uncertainty upon a point of jurisdiction or sovereignty would be productive of many and endless controversies and conflicts. A more practical limit of national jurisdiction upon the high seas was indispensably necessary, and this was found, as the Undersigned thinks, in fixing the limit at 3 miles from the coast. This limit was early proposed by the publicists of all maritime nations. While it is not insisted that all nations have accepted or acquiesced and bound themselves to abide by this rule when applied to themselves, yet three points involved in the subject are insisted upon by the United States :—

* Wharton's International Law Digest, vol. i, § 32.

"1. That this limit has been generally recognized by nations ;

"2. That no other general rule has been accepted ; and

"3. That if any State has succeeded in fixing for itself a larger limit, this has been done by the exercise of maritime power, and constitutes an exception to the general understanding which fixes the range of a cannon-shot (when it is made the test of jurisdiction) at 3 miles. So generally is this rule accepted, that writers commonly use the expressions of a range of cannon-shot and 3 miles as equivalents of each other. In other cases, they use the latter expression as a substitute for the former."

And in a later communication on the same subject of the 10th August, 1863, he observes :—

"Nevertheless, it cannot be admitted, nor indeed is Mr. Tassara understood to claim, that the mere assertion of a Sovereign, by an act of legislation, however solemn, can have the effect to establish and fix its external maritime jurisdiction. His right to a jurisdiction of 3 miles is derived, not from his own Decree, but from the law of nations, and exists, even though he may never have proclaimed or asserted it by any Decree or Declaration whatsoever. He cannot, by a mere Decree, extend the limit and fix it at 6 miles, because, if he could, he could in the same manner, and upon motives of interest, ambition, or even upon caprice, fix it at 10, or 20, or 50 miles without the consent or acquiescence of other Powers which have a common right with himself in the freedom of all the oceans. Such a pretension could never be successfully or rightfully maintained."

The same principles were laid down in a note addressed to Sir E. Thornton by Mr. Fish, then Secretary of State, on the 22nd January, 1875. Mr. Fish there stated : "We have always understood and asserted that pursuant to public law no nation can rightfully claim jurisdiction at sea beyond a marine league from the coast."

He then went on to explain the only two exceptions that were apparently known to him so far as the United States were concerned : certain Revenue Laws which admitted the boarding of vessels at a distance of 4 leagues from the coast, which, he said, had never been so applied in practice as to give rise to complaint on the part of a foreign Government ; and a Treaty between the United States and Mexico of 1848, in which the boundary-line between the two States was described as beginning in the Gulf of Mexico, 3 leagues from land. As regards this stipulation, he observed that it had been explained at the time that it could only affect the rights of Mexico and the United States, and was never intended to trench upon the rights of Great Britain or of any other Power under the law of nations.

It would seem, therefore, that Mr. Fish was entirely unaware of the exceptional jurisdiction in Behring's Sea, which is now said to have been conceded by the United States to Russia from 1823 to 1867, transferred to the United States, so far as the American coast was concerned, only eight years before he wrote, and which would presumably be still acknowledged by them as belonging to Russia on the Asiatic shore. I must suppose that when Mr. Blaine states that "both the United States and Great Britain recognized, respected, obeyed" the Ukase of 1821, in so far as it affected Behring's Sea, he has some evidence to go upon in regard to the conduct of his country which is unknown to the world at large, and which he has not as yet produced. But I must be allowed altogether to deny that the attitude of Great Britain was such as he represents, or that she ever admitted by act or by sufferance the extraordinary claim of maritime jurisdiction which that Ukase contained.

The inclosed copies of correspondence, extracted from the archives of this Office, make it very difficult to believe that Mr. Blaine has not been altogether led into error. It results from them that not only did Her Majesty's Government formally protest against the Ukase on its first issue as contrary to the acknowledged law of nations, but that the Russian Government gave a verbal assurance that the claim of jurisdiction would not be exercised. In the subsequent negotiations great importance was attached to obtaining a more formal disavowal of the claim in the manner least hurtful to Russian susceptibilities, but so as effectually to preclude its revival. And this security the British Government undoubtedly considered that both they and the United States had obtained by the Conventions of 1824 and 1825.

Upon this point the instructions given by Mr. George Canning to Mr. Stratford Canning when the latter was named Plenipotentiary to negotiate the Treaty of 1825 have a material bearing.

Writing under date the 8th December, 1824, after giving a summary of the negotiations up to that date, he goes on to say :—

"It is comparatively indifferent to us whether we hasten or postpone all questions respecting the limits of territorial possession on the Continent of America, but the pretensions of the Russian Ukase of 1821, to exclusive dominion over the Pacific, could not continue longer unrepealed without compelling us to take some measure of public and effectual remonstrance against it.

"You will, therefore, take care in the first instance to repress any attempt to give this change to the character of the negotiation, and will declare, without reserve, that the point to which alone the solicitude of the British Government, and the jealousy of the British nation, attach any great importance is the doing away (in a manner as little disagreeable to Russia as possible) of the effect of the Ukase of 1821.

"That this Ukase is not acted upon, and that instructions have long ago been sent by the Russian Government to their cruisers in the Pacific to suspend the execution of its provisions, is true, but a private disavowal of a published claim is no security against the revival of that claim; the suspension of the execution of a principle may be perfectly compatible with the continued maintenance of the principle itself.

* * * * *

"The right of the subjects of His Majesty to navigate freely in the Pacific cannot be held as a matter of indulgence from any Power. Having once been publicly questioned, it must be publicly acknowledged.

"We do not desire that any distinct reference should be made to the Ukase of 1821, but we do feel it necessary that the statement of our right should be clear and positive, and that it should stand forth in the Convention in the place which properly belongs to it as a plain and substantive stipulation, and not be brought in as an incidental consequence of other arrangements to which we attach comparatively little importance.

"This stipulation stands in the grant of the Convention concluded between Russia and the United States of America, and we see no reason why, upon similar claims, we should not obtain exactly the like satisfaction.

"For reasons of the same nature we cannot consent that the liberty of navigation through Behring's Straits should be stated in the Treaty as a boon from Russia.

"The tendency of such a statement would be to give countenance to those claims of exclusive jurisdiction against which we, on our own behalf and on that of the whole civilized world, protest.

* * * * *

"It will of course strike the Russian Plenipotentiaries that, by the adoption of the American Article respecting navigation, &c., the provision for an exclusive fishery of 2 leagues from the coasts of our respective possessions falls to the ground.

"But the omission is, in truth, immaterial.

"The law of nations assigns the exclusive sovereignty of 1 league to each Power off its own coasts, without any specified stipulation, and though Sir Charles Bagot was authorized to sign the Convention with the specific stipulation of 2 leagues, in ignorance of what had been decided in the American Convention at the time, yet, after that Convention has been some months before the world, and after the opportunity of reconsideration has been forced upon us by the act of Russia herself, we cannot now consent, in negotiating *de novo*, to a stipulation which, while it is absolutely unimportant to any practical good, would appear to establish a contract between the United States and us to our disadvantage."

Mr. Stratford Canning, in his despatch of the 1st March, 1825, inclosing the Convention as signed, says:—

"With respect to Behring's Straits, I am happy to have it in my power to assure you on the joint authority of the Russian Plenipotentiaries, that the Emperor of Russia has no intention whatever of maintaining any exclusive claim to the navigation of these Straits, or of the seas to the north of them."

These extracts show conclusively: (1) that England refused to admit any part of the Russian claim asserted by the Ukase of 1821 to a maritime jurisdiction and exclusive right of fishing throughout the whole extent of that claim, from Behring's Straits to the 51st parallel; (2) that the Convention of 1825 was regarded on both sides as a renunciation on the part of Russia of that claim in its entirety; and (3) that though Behring's Straits was known and specifically provided for, Behring's Sea was not known by that name, but was regarded as part of the Pacific Ocean.

The answer, therefore, to the questions with which Mr. Blaine concludes his despatch is that Her Majesty's Government have always claimed the freedom of navigation and fishing in the waters of Behring's Sea outside the usual territorial limit of 1 marine league from the coast; that it is impossible to admit that a public right to fish, catch seals, or pursue any other lawful occupation on the high seas can be held to be abandoned by a nation from the mere fact that for a certain number of years it has not suited the subjects of that nation to exercise it.

It must be remembered that British Columbia has come into existence as a Colony at a comparatively recent date, and that the first considerable influx of population, some thirty years ago, was due to the discovery of gold, and did not tend to an immediate development of the shipping interest.

I have to request that you will communicate a copy of this despatch, and of its inclosures, to Mr. Blaine. You will state that Her Majesty's Government have no desire whatever to refuse to the United States any jurisdiction in Behring's Sea which was conceded by Great Britain to Russia, and which properly accrues to the present

possessors of Alaska in virtue of Treaties or the law of nations; and that if the United States' Government, after examination of the evidence and arguments which I have produced, still differ from them as to the legality of the recent captures in that sea, they are ready to agree that the question, with the issues that depend upon it, should be referred to impartial arbitration. You will in that case be authorized to consider, in concert with Mr. Blaine, the method of procedure to be followed.

I am, &c.

(Signed) SALISBURY.

Inclosure 1 in No. 382.

Lord Londonderry to Count Lieven.

Foreign Office, January 18, 1822.

THE Undersigned has the honour hereby to acknowledge the note addressed to him by Baron de Nicolai, of the 12th November last, covering a copy of an Ukase issued by His Imperial Majesty the Emperor of All the Russias, and bearing date the 4th September, 1821, for various purposes therein set forth, especially connected with the territorial rights of his Crown on the north-western coast of America bordering upon the Pacific, and the commerce and navigation of His Imperial Majesty's subjects in the seas adjacent thereto.

This document, containing Regulations of great extent and importance, both in its territorial and maritime bearings, has been considered with the utmost attention, and with those favourable sentiments which His Majesty's Government always bear towards the acts of a State with which His Majesty has the satisfaction to feel himself connected by the most intimate ties of friendship and alliance, and having been referred for the Report of those high legal authorities whose duty it is to advise His Majesty on such matters, the Undersigned is directed, till such friendly explanations can take place between the two Governments as may obviate misunderstanding upon so delicate and important a point, to make such provisional protest against the enactments of the said Ukase as may fully serve to save the rights of His Majesty's Crown, and may protect the persons and properties of His Majesty's subjects from molestation in the exercise of their lawful callings in that quarter of the globe.

The Undersigned is commanded to acquaint Count Lieven that, it being the King's constant desire to respect and cause to be respected by his subjects, in the fullest manner, the Emperor of Russia's just rights, His Majesty will be ready to enter into amicable explanations upon the interests affected by this instrument, in such manner as may be most acceptable to His Imperial Majesty.

In the meantime, upon the subject of this Ukase generally, and especially upon the two main principles of claim laid down therein, viz., an exclusive sovereignty alleged to belong to Russia over the territories therein described, as also the exclusive right of navigating and trading within the maritime limits therein set forth, His Britannic Majesty must be understood as hereby reserving all his rights, not being prepared to admit that the intercourse which is allowed on the face of this instrument to have hitherto subsisted on those coasts, and in those seas, can be deemed to be illicit; or that the ships of friendly Powers, even supposing an unqualified sovereignty was proved to appertain to the Imperial Crown, in these vast and very imperfectly occupied territories, could, by the acknowledged law of nations, be excluded from navigating within the distance of 100 Italian miles, as therein laid down, from the coast the exclusive dominion of which is assumed (but as His Majesty's Government conceive in error) to belong to His Imperial Majesty the Emperor of All the Russias.

(Signed) LONDONDERRY.

Inclosure 2 in No. 382.

Memorandum by the Duke of Wellington.—(September 11, 1822.)

IN the course of a conversation which I had yesterday with Count Lieven, he informed that he had been directed to give verbal explanations of the Ukase respecting the north-western coast of America. These explanations went, he said, to this, that the Emperor did not propose to carry into execution the Ukase in its extended sense; that His Imperial Majesty's ships had been directed to cruize at the shortest possible distance from the shore, in order to supply the natives with arms and ammunition, and in order to warn all vessels that that was His Imperial Majesty's dominion, and that His Imperial Majesty had besides given directions to his Minister in the United States to agree upon a Treaty of Limits with the United States.

Inclosure 3 in No. 382.

Mr. G. Canning to the Duke of Wellington.

My Lord Duke,

Foreign Office, September 27, 1822.

YOUR Grace is already in possession of all that has passed both here and at St. Petersburg, on the subject of the issue, in September of last year, by the Emperor of Russia, of an Ukase, indirectly asserting an exclusive right of sovereignty from Behring's Straits to the 51st degree of north latitude on the west coast of America, and to the 45th degree north on the opposite coast of Asia; and (as a qualified exercise of that right) prohibiting all foreign ships, under pain of confiscation, from approaching within 100 Italian miles of those coasts. This Ukase having been communicated by Baron Nicolai, the Russian Chargé d'Affaires at this Court, to His Majesty's Government, was forthwith submitted to the legal authorities whose duty it is to advise His Majesty on such matters, and a note was in consequence addressed by the late Marquis of Londonderry to Count Lieven, the Russian Ambassador, and also communicated to His Majesty's Ambassador at St. Petersburg, protesting against the enactments of the said Ukase, and requesting such amicable explanations as might tend to reconcile the pretensions of Russia in that quarter of the globe with the just rights of His Majesty's Crown and the interests of his subjects. As such explanations will probably be offered to your Grace during the Conferences about to take place at Vienna, I hasten to signify to you the King's commands as to the language which you will hold on the part of His Majesty upon this subject.

The opinions given in November and December last by Lord Stowell and by His Majesty's Advocate-General (copies of which are already in your possession) will furnish you with the best legal arguments in opposition to the pretensions put forward in the Russian Ukase; and, as in both these opinions much stress is very properly laid upon the state of actual occupation of the territories claimed by Russia, and the different periods of time at which they were so occupied, I have obtained from the Governor of the principal Company of His Majesty's subjects trading in that part of the world the information which your Grace will find in the inclosed papers.

That information will enable you sufficiently to prove to the Russian Minister, not only that the point of prior discovery may be fairly disputed with Russia, but that the much more certain title of actual occupation by the agents and the trading servants of the Hudson's Bay Company extends at this moment to many degrees of higher latitude on the north-west coast of America than is claimed as the territory of Russia by the Ukase in question.

Enlightened statesmen and jurists have long held as insignificant all titles of territory that are not founded on actual occupation, and that title is, in the opinion of the most esteemed writers on public law, to be established only by practical use.

With respect to the other points in the Ukase which have the effect of extending the territorial rights of Russia over the adjacent seas to the unprecedented distance of 100 miles from the line of coast, and of closing a hitherto unobstructed passage, at the present moment the object of important discoveries for the promotion of general commerce and navigation, these pretensions are considered by the best legal authorities as positive innovations on the rights of navigation; as such they can receive no explanation from further discussion, nor can by possibility be justified. Common usage, which has

obtained the force of law, has indeed assigned to coasts and shores an accessorial boundary to a short limited distance for purposes of protection and general convenience, in no manner interfering with the rights of others, and not obstructing the freedom of general commerce and navigation. But this important qualification the extent of the present claim entirely excludes, and when such a prohibition is, as in the present case, applied to a long line of coasts and also to intermediate islands in remote seas, where navigation is beset with innumerable and unforeseen difficulties, and where the principal employment of the fisheries must be pursued under circumstances which are incompatible with the prescribed courses, all particular considerations concur, in an especial manner, with the general principle, in repelling such a pretension as an encroachment on the freedom of navigation, and the unalienable rights of all nations.

I have, indeed, the satisfaction to believe, from a conference which I have had with Count Lieven on this matter, that upon these two points—the attempt to shut up the passage altogether, and the claim of exclusive dominion to so enormous a distance from the coast—the Russian Government are prepared entirely to waive their pretensions. The only effort that has been made to justify the latter claim was by reference to an Article in the Treaty of Utrecht, which assigns 30 leagues from the coast as the distance of prohibition. But to this argument it is sufficient to answer that the assumption of such a space was, in the instance quoted, by stipulation in a Treaty, and one to which, therefore, the party to be affected by it had (whether wisely or not) given its deliberate consent. No inference could be drawn from that transaction in favour of a claim by authority against all the world.

I have little doubt, therefore, but that the public notification of the claim to consider the portions of the ocean included between the adjoining coasts of America and the Russian Empire as a *mare clausum*, and to extend the exclusive territorial jurisdiction of Russia to 100 Italian miles from the coast, will be publicly recalled; and I have the King's commands to instruct your Grace further to require of the Russian Minister (on the ground of the facts and reasonings furnished in this despatch and its inclosures) that such a portion of territory alone shall be defined as belonging to Russia as shall not interfere with the rights and actual possessions of His Majesty's subjects in North America.

I am, &c.
(Signed) GEO. CANNING.

Inclosure 4 in No 382.

Memorandum on Russian Ukase of 1821.

IN the month of September 1821 His Imperial Majesty the Emperor of Russia issued an Ukase asserting the existence in the Crown of Russia of an exclusive right of sovereignty in the countries extending from Behring's Straits to the 51st degree of north latitude on the west coast of America, and to the 45th degree of north latitude on the opposite coast of Asia; and, as a qualified exercise of that right of sovereignty, prohibiting all foreign vessels from approaching within 100 Italian miles of those coasts.

After this Ukase had been submitted by the King's Government to those legal authorities whose duty it is to advise His Majesty on such matters, a note was addressed by the late Marquis of Londonderry to Count Lieven, the Russian Ambassador, protesting against the enactments of this Ukase, and requesting such amicable explanations as might tend to reconcile the pretensions of Russia in that quarter of the globe with the just rights of His Majesty's Crown and the interests of his subjects.

We object, first, to the claim of sovereignty as set forth in this Ukase; and, secondly, to the mode in which it is exercised.

The best writers on the laws of nations do not attribute the exclusive sovereignty, particularly of continents, to those who have first discovered them; and although we might on good grounds dispute with Russia the priority of discovery of these continents, we contend that the much more easily proved, more conclusive, and more certain title of occupation and use ought to decide the claim of sovereignty.

Now, we can prove that the English North-West Company and the Hudson's Bay Company have for many years established forts and other trading-stations in a country called New Caledonia, situated to the west of a range of mountains called

Rocky Mountains, and extending along the shores of the Pacific Ocean from latitude 49° to latitude 60°.

This Company likewise possess factories and other establishments on Mackenzie's River, which falls into the Frazer River as far north as latitude 66° 30', from whence they carry on trade with the Indians inhabiting the countries to the west of that river, and who, from the nature of the country, can communicate with Mackenzie's River with more facility than they can with the posts in New Caledonia. Thus, in opposition to the claims founded on discovery, the priority of which, however, we conceive we might fairly dispute, we have the indisputable claim of occupancy and use for a series of years, which all the best writers on the laws of nations admit is the best-founded claim for territory of this description. Objecting, as we do, to this claim of exclusive sovereignty on the part of Russia, I might save myself the trouble of discussing the particular mode of its exercise as set forth in this Ukase. But we object to the sovereignty proposed to be exercised under this Ukase not less than we do to the claim of it. We cannot admit the right of any Power possessing the sovereignty of a country to exclude the vessels of others from the seas on its coasts to the distance of 100 Italian miles. We must object likewise to the arrangements contained in the said Ukase conveying to private merchant-ships the right to search in time of peace, &c., which are quite contrary to the laws and usages of nations and to the practice of modern times.

(Signed) WELLINGTON.

Verona, October 17, 1822.

To Count Nesselrode.

Inclosure 5 in No. 382.

Count Nesselrode to the Duke of Wellington.

(Mémoire Confidentiel.)

Vérone, le 11 (23) Novembre, 1822.

LE Cabinet de Russie a pris en mûre considération le Mémoire Confidentiel que M. le Duc de Wellington lui a remis le 17 Octobre dernier, relativement aux mesures adoptées par Sa Majesté l'Empereur, sous la date du (4) 16 Septembre, 1821, pour déterminer l'étendue des possessions Russes sur la côte nord-ouest de l'Amérique, et pour interdire aux vaisseaux étrangers l'approche de ses possessions jusqu'à la distance de 100 milles d'Italie.

Les ouvertures faites à ce sujet au Gouvernement de Sa Majesté Britannique par le Comte de Lieven au moment où cet Ambassadeur allait quitter Londres doivent déjà avoir prouvé que l'opinion que le Cabinet de St. James avait conçue des mesures dont il s'agit n'était point fondée sur une appréciation entièrement exacte des vues de Sa Majesté Impériale.

La Russie est loin de méconnaître que l'usage et l'occupation constituent la plus solide des titres d'après lesquels un État puisse réclamer des droits de souveraineté sur une portion quelconque du Continent. La Russie est plus loin encore d'avoir voulu outrepasser arbitrairement les limites que ce titre assigne à ses domaines sur la côte nord-ouest de l'Amérique, ou ériger en principe général de droit maritime les règles qu'une nécessité purement locale l'avait obligée de poser pour la navigation étrangère dans le voisinage de la partie de cette côte qui lui appartient.

C'était au contraire parce qu'elle regardait ces droits de souveraineté comme légitimes, et parce que des considérations impérieuses tenant à l'existence même du commerce qu'elle fait dans les parages de la côte nord-ouest de l'Amérique, la forçaient à établir un système de précautions devenues indispensables, qu'elle a fait paraître l'Oukase du (4) 16 Septembre, 1821.

La Russie serait toujours prête à faire part des motifs qui en justifient les dispositions ; mais pour le moment elle se bornera aux observations suivantes :—

M. le Duc de Wellington affirme, dans son Mémoire Confidentiel du 17 Octobre, que des établissements Anglais, appartenant à deux Compagnies, celle de la Baye de Hudson et celle du Nord-Ouest, se sont formés dans une contrée appelée la Nouvelle-Calédonie, qui s'étend le long de la côte de l'Océan Pacifique, depuis le 49° jusqu'au 60° degré de latitude septentrionale.

La Russie ne parlera point des établissements qui peuvent exister entre le 49° et le 51° parallèle ; mais quant aux autres, elle n'hésite pas de convenir qu'elle en ignore jusqu'à présent l'existence, pour autant au moins qu'ils toucheraient l'Océan Pacifique.

Les Cartes Anglaises même les plus récentes et les plus détaillées n'indiquent

absolument aucune des stations de commerce mentionnées dans le Mémoire du 17 Octobre, sur la côte même de l'Amérique, entre le 51° et le 60° degré de latitude septentrionale.

D'ailleurs, depuis les expéditions de Behring et de Tchirikoff, c'est-à-dire depuis près d'un siècle, des établissements Russes ont pris, à partir du 60° degré, une extension progressive, qui dès l'année 1799 les avait fait parvenir jusqu'au 55° parallèle, comme le porte la première charte de la Compagnie Russe-Américaine, charte qui a reçu dans le temps une publicité officielle, et qui n'a motivé aucune protestation de la part de l'Angleterre.

Cette même charte accordait à la Compagnie Russe le droit de porter ses établissements vers le midi au delà du 55° degré de latitude septentrionale, pourvu que de tels accroissements de territoire ne pussent donner motif de réclamation à aucune Puissance étrangère.

L'Angleterre n'a pas non plus protesté contre cette disposition ; elle n'a pas même réclamé contre les nouveaux établissements que la Compagnie Russe-Américaine a pu former au sud du 55° degré, en vertu de ce privilège.

La Russie était donc pleinement autorisée à profiter d'un consentement qui, pour être tacite, n'en était pas moins solennel, et à déterminer pour bornes de ses domaines le degré de latitude jusqu'auquel la Compagnie Russe avait étendu ses opérations depuis 1799.

Quoiqu'il en soit, et quelque force que ces circonstances prêtent aux titres de la Russie, Sa Majesté Impériale ne dévierait point dans cette conjuncture du système habituel de sa politique.

Le premier de ses vœux sera toujours de prévenir toute discussion, et de consolider de plus en plus les rapports d'amitié et de parfaite intelligence qu'elle se félicite d'entretenir avec la Grande-Bretagne.

En conséquence l'Empereur a chargé son Cabinet de déclarer à M. le Duc de Wellington (sans que cette déclaration puisse préjudicier en rien à ses droits, si elle n'était point acceptée) qu'il est prêt à fixer, au moyen d'une négociation amicale, et sur la base des convenances mutuelles, les degrés de latitude et de longitude que les deux Puissances regarderont comme dernières limites de leurs possessions et de leurs établissements sur la côte nord-ouest de l'Amérique.

Sa Majesté Impériale se plaît à croire que cette négociation pourra se terminer sans difficulté à la satisfaction réciproque des deux États ; et le Cabinet de Russie peut assurer dès à présent M. le Duc de Wellington que les mesures de précaution et de surveillance qui seront prises alors sur la partie Russe de la côte d'Amérique se trouveront entièrement conformes aux droits dérivant de la souveraineté, ainsi qu'aux usages établis entre nations, et qu'aucune plainte légitime ne pourra s'élever contre elles.

(Translation.)

(Confidential Memorandum.)

Verona, November 11 (23), 1822.

THE Cabinet of Russia have taken into mature consideration the Confidential Memorandum forwarded to them by the Duke of Wellington on the 17th October last, relative to the measures adopted by His Majesty the Emperor, under date of the 4th (16th) September, 1821, for defining the extent of the Russian possessions on the north-west coast of America, and for forbidding foreign vessels to approach his possessions within a distance of 100 Italian miles.

The overtures made on this subject to the Government of His Britannic Majesty by Count de Lieven at the moment when that Ambassador was about to leave London must already have proved that the opinion which the Cabinet of St. James' had formed of the measures in question was not founded on an entirely accurate appreciation of the views of His Imperial Majesty.

Russia is far from failing to recognize that custom and occupation constitute the most solid title upon which a State can claim rights of sovereignty over any portion of the mainland. Russia is still further from having wished to arbitrarily transgress the limits which that title assigns to her dominions on the north-west coast of America, or to exalt into a general principle of maritime law the rules which a necessity of purely local character had obliged her to lay down for foreign navigation in the neighbourhood of the portion of that coast which belongs to her.

It was, on the contrary, because she regarded those rights of sovereignty as legitimate, and because imperious considerations involving the very existence of the commerce which she carries on in the latitudes of the north-west coast of America compelled her to establish a system of precautions which became indispensable, that she caused the Ukase of the 4th (16th) September, 1821, to be issued.

Russia would be always ready to explain the motives which justify the provisions of that document; but for the moment she will confine herself to the following observations:—

The Duke of Wellington asserts, in his Confidential Memorandum of the 17th October, that English establishments belonging to two Companies, the Hudson's Bay Company and the North-West Company, have been formed in a country called New Caledonia, which extends along the coast of the Pacific Ocean from the 49th to the 60th degree of north latitude.

Russia will not refer to the establishments which may exist between the 49th and 51st parallel; but, with regard to the others, she does not hesitate to admit that she is, up to the present, ignorant of their existence in so far at least as to their touching the Pacific Ocean.

Even the most recent and most minute English Maps give absolutely no indication of the trading stations, mentioned in the Memorandum of the 17th October, on the coast of America between the 51st and 60th degree of north latitude.

On the other hand, since the expeditions of Behring and Tchirikoff, that is nearly a century ago, Russian establishments have extended progressively from the 60th degree, so that by the year 1799 they had reached the 55th parallel, as is shown by the first Charter of the Russo-American Company, a Charter which received official publicity at the time, and drew forth no protest on the part of England.

This same Charter granted to the Russian Company the right to extend its establishments towards the south beyond the 55th degree of north latitude, provided that such increase of territory could not give rise to objections on the part of any foreign Power.

Nor did England protest against this provision either, nor did she even object to the new establishments which the Russo-American Company was able to form to the south of the 55th degree in virtue of that privilege.

Russia was therefore fully entitled to profit by a consent which, for being tacit, was none the less solemn, and to fix as the boundary of her dominions the degree of latitude up to which the Russian Company had extended its operations since 1799.

Be this as it may, and whatever force these circumstances may give to the titles of Russia, His Imperial Majesty will not deviate at this juncture from the habitual system of his policy.

His first wish will always be to prevent all discussion, and to strengthen more and more the relations of friendship and complete understanding which he is happy to maintain with Great Britain.

Consequently, the Emperor has charged his Cabinet to declare to the Duke of Wellington (such declaration not to prejudice his rights in any way if it be not accepted) that he is ready to fix, by means of friendly negotiation and on the basis of mutual accommodation, the degrees of latitude and longitude which the two Powers shall regard as the utmost limits of their possessions and of their establishments on the north-west coast of America.

His Imperial Majesty is pleased to believe that this negotiation can be completed without difficulty, to the mutual satisfaction of the two States; and the Cabinet of Russia can, from this moment, assure the Duke of Wellington that the measures of precaution and superintendence which will then be taken on the Russian part of the coast of America will be entirely in conformity with the rights derived from sovereignty and with the established customs of nations, and that there will be no possibility of legitimate cause of complaint against them.

Inclosure 6 in No. 382.

The Duke of Wellington to Mr. G. Canning.

Sir, Verona, November 28, 1822.

I INCLOSE the copy of a Confidential Memorandum which I gave to Count Nesselrode on the 17th October, regarding the Russian Ukase, and the copy of his answer.

I have had one or two discussions with Count Lieven upon this paper, to which I object, as not enabling His Majesty's Government to found upon it any negotiation to settle the questions arising out of the Ukase, which have not got the better of these difficulties; and I inclose you the copy of a letter which I have written to Count Lieven, which explains my objections to the Russian "Mémoire Confidentiel." This

question, then, stands exactly where it did. I have not been able to do anything upon it.

I have, &c.
(Signed) WELLINGTON.

Inclosure 7 in No. 382.

The Duke of Wellington to Count Lieven.

M. le Comte,

Verona, November 28, 1822.

HAVING considered the paper which your Excellency gave me last night, on the part of his Excellency Count Nesselrode, on the subject of our discussions on the Russian Ukase, I must inform you that I cannot consent, on the part of my Government, to found on that paper the negotiation for the settlement of the question which has arisen between the two Governments on this subject.

We object to the Ukase on two grounds: (1) that His Imperial Majesty assumes thereby an exclusive sovereignty in North America, of which we are not prepared to acknowledge the existence or the extent; upon this point, however, the Memoir of Count Nesselrode does afford the means of negotiation; and my Government will be ready to discuss it, either in London or St. Petersburg, whenever the state of the discussions on the other question arising out of the Ukase will allow of the discussion.

The second ground on which we object to the Ukase is that His Imperial Majesty thereby excludes from a certain considerable extent of the open sea vessels of other nations. We contend that the assumption of this power is contrary to the law of nations; and we cannot found a negotiation upon a paper in which it is again broadly asserted. We contend that no Power whatever can exclude another from the use of the open sea; a Power can exclude itself from the navigation of a certain coast, sea, &c., by its own act or engagement, but it cannot by right be excluded by another. This we consider as the law of nations; and we cannot negotiate upon a paper in which a right is asserted inconsistent with this principle.

I think, therefore, that the best mode of proceeding would be that you should state your readiness to negotiate upon the whole subject, without restating the objectionable principle of the Ukase which we cannot admit.

I have, &c.
(Signed) WELLINGTON.

Inclosure 8 in No. 382.

The Duke of Wellington to Mr. G. Canning.

Sir,

Verona, November 29, 1822.

SINCE I wrote to you yesterday I have had another conversation with the Russian Minister regarding the Ukase. It is now settled that both the Memorandums which I inclosed to you should be considered as *non avenues*, and the Russian Ambassador in London is to address you a note in answer to that of the late Lord Londonderry, assuring you of the desire of the Emperor to negotiate with you upon the whole question of the Emperor's claims in North America, reserving them all if the result of the negotiation should not be satisfactory to both parties.

This note will then put this matter in a train of negotiation, which is what was wished.

I have, &c.
(Signed) WELLINGTON

Inclosure 9 in No. 382.

Count Lieven to Mr. G. Canning.

A LA suite des déclarations verbales que le Soussigné, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies, a faites au Ministère de Sa Majesté Britannique, le Cabinet de St. James a dû se convaincre que si des objections s'étaient élevées contre le Règlement publié au nom de Sa

Majesté l'Empereur de Toutes les Russies sous la date du 4 (16) Septembre, 1821, les mesures ultérieures adoptées par Sa Majesté Impériale ne laissent aucun doute sur la pureté de ses vues et sur le désir qu'elle aura toujours de concilier ses droits et ses intérêts avec les intérêts et les droits des Puissances auxquelles l'unissent les liens d'une amitié véritable et d'une bienveillance réciproque.

Avant de quitter Vérone, le Soussigné a reçu l'ordre de donner au Gouvernement de Sa Majesté Britannique une nouvelle preuve des dispositions connues de l'Empereur, en proposant à son Excellence M. Canning, Principal Secrétaire d'État de Sa Majesté Britannique pour les Affaires Étrangères, sans que cette proposition puisse porter atteinte aux droits de Sa Majesté Impériale, si elle n'est pas acceptée, que de part et d'autre la question de droit strict soit provisoirement écartée, et que tous les différends auxquels a donné lieu le Règlement dont il s'agit, s'applanissent par un arrangement amical fondé sur le seul principe des convenances mutuelles et qui serait négocié à St. Pétersbourg.

L'Empereur se flatte que Sir Charles Bagot ne tardera point à recevoir les pouvoirs et les instructions nécessaires à cet effet, et que la proposition du Soussigné achèvera de démontrer au Gouvernement de Sa Majesté Britannique combien Sa Majesté Impériale souhaite qu'aucune divergence d'opinion ne puisse subsister entre la Russie et la Grande-Bretagne, et que le plus parfait accord continue de présider à leurs relations.

Le Soussigné, &c.

(Signed) LIEVEN.

Londres, le 19 (31) Janvier, 1823.

(Translation.)

BY the verbal declarations made by the Undersigned, Ambassador Extraordinary and Plenipotentiary of His Majesty the Emperor of All the Russias, to Her Britannic Majesty's Government, the Cabinet of St. James' must have been convinced that, though exception had been taken to the Regulation published on the 4th (16th) September, 1821, in the name of His Majesty the Emperor of All the Russias, the subsequent steps taken by His Imperial Majesty leave no doubt as to the purity of his intentions, and as to the desire which will always animate him to reconcile his own rights and interests with those of the Powers to which he is linked by bonds of true friendship and reciprocal good-will.

Before leaving Verona the Undersigned received instructions to give the Government of Her Britannic Majesty a new proof of the known feelings of the Emperor, by proposing to his Excellency Mr. Canning, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, whilst reserving the rights of His Imperial Majesty should the proposal not be accepted, that the question of strict right should be provisionally set aside by both parties, and that all the differences created by the Regulation in question should be smoothed over by a friendly arrangement based solely on the principle of mutual accommodation to be negotiated at St. Petersburg.

The Emperor flatters himself that Sir Charles Bagot will very shortly receive the necessary powers and instructions in the above sense, and that the proposal of the Undersigned will completely convince the Government of Her Britannic Majesty of the earnest wish of His Imperial Majesty that no difference of opinion should exist between Russia and Great Britain, and that the most perfect agreement should continue to guide their relations.

The Undersigned, &c.

(Signed) LIEVEN.

London, January 19 (31), 1823.

Inclosure 10 in No. 382.

Mr. G. Canning to Sir C. Bagot.

Sir,

Foreign Office, February 5, 1823.

WITH respect to my despatch of the 31st December last, transmitting to your Excellency the copy of an instruction addressed to the Duke of Wellington, as well as a despatch from his Grace dated Verona, the 29th November last, both upon the subject of the Russian Ukase of September 1821, I have now to inclose to your Excellency the copy of a note which has been addressed to me by Count Lieven, expressing His Imperial Majesty's wish to enter into some amicable arrangement for

bringing this subject to a satisfactory termination, and requesting that your Excellency may be furnished with the necessary powers to enter into negotiation for that purpose with His Imperial Majesty's Ministers at St. Petersburg.

I avail myself of the opportunity of a Russian courier (of whose departure Count Lieven has only just apprised me) to send this note to your Excellency, and to desire that your Excellency will proceed to open the discussion with the Russian Minister upon the basis of the instruction to the Duke of Wellington.

I will not fail to transmit to your Excellency full powers for the conclusion of an agreement upon this subject, by a messenger whom I will dispatch to you as soon as I shall have collected any further information which it may be expedient to furnish to your Excellency, or to found any further instruction upon that may be necessary for your guidance in this important negotiation.

I am, &c.
(Signed) GEO. CANNING.

Inclosure 11 in No. 382.

Mr. Lyall to Mr. G. Canning.

Sir, *Ship-owners' Society, New Broad Street, November 19, 1823.*

IN the month of June last you were pleased to honour me with an interview on the subject of the Russian Ukase prohibiting foreign vessels from touching at or approaching the Russian establishments along the north-west coast of America therein mentioned, when you had the goodness to inform me that a representation had been made to that Government, and that you had reason to believe that the Ukase would not be acted upon; and very shortly after this communication I was informed, on what I considered undoubted authority, that the Russian Government had consented to withdraw that unfounded pretension.

The Committee of this Society being about to make their annual Report to the ship-owners at large, it would be satisfactory to them to be able to state therein that official advices have been received from St. Petersburg that the Ukase had been annulled; and should that be the case, I have to express the hope of the Committee to be favoured with a communication from you to that effect.

I have, &c.
(Signed) GEORGE LYALL,
Chairman of Ship-owners' Committee.

Inclosure 12 in No. 382.

Lord F. Conyngham to Mr. Lyall.

Sir, *Foreign Office, November 26, 1823.*

I AM directed by Mr. Secretary Canning to acknowledge the receipt of your letter of the 19th instant, expressing a hope that the Ukase of September 1821 had been annulled.

Mr. Canning cannot authorize me to state to you in distinct terms that the Ukase has been annulled, because the negotiation to which it gave rise is still pending, embracing as it does many points of great intricacy as well as importance.

But I am directed by Mr. Canning to acquaint you that orders have been sent out by the Court of St. Petersburg to their Naval Commanders calculated to prevent any collision between Russian ships and those of other nations; and in effect suspending the Ukase of September 1821.

I am, &c.
(Signed) F. CONYNGHAM.

Inclosure 13 in No. 382.

Mr. G. Canning to Sir C. Bagot.

(Extract.)

Foreign Office, January 20, 1824.

A LONG period has elapsed since I gave your Excellency reason to expect additional instructions for your conduct in the negotiation respecting the Russian Ukase of 1821.

That expectation was held out in the belief that I should have to instruct you to combine your proceedings with those of the American Minister, and the framing such instructions was, of necessity, delayed until Mr. Rush should be in possession of the intentions of his Government upon the subject.

It remains, therefore, only for me to direct your Excellency to resume your negotiation with the Court of St. Petersburg at the point at which it was suspended in consequence of the expected accession of the United States, and to endeavour to bring it as speedily as possible to an amicable and honourable conclusion.

The questions at issue between Great Britain and Russia are short and simple. The Russian Ukase contains two objectionable pretensions: first, an extravagant assumption of maritime supremacy; secondly, an unwarranted claim of territorial dominion.

As to the first, the disavowal of Russia is, in substance, all that we could desire. Nothing remains for negotiation on that head but to clothe that disavowal in precise and satisfactory terms. We would much rather that those terms should be suggested by Russia herself than have the air of pretending to dictate them. You will, therefore, request Count Nesselrode to furnish you with his notion of such a declaration on this point as may be satisfactory to your Government. That declaration may be made the preamble of the Convention of Limits.

Inclosure 14 in No 382.

Mr. G. Canning to Sir C. Bagot.

(Extract.)

Foreign Office, July 24, 1824.

THE "Projet" of a Convention, which is inclosed in my No. 26, having been communicated by me to Count Lieven, with a request that his Excellency would note any points in it upon which he conceived any difficulty likely to arise, or any explanation to be necessary, I have received from his Excellency the Memorandum a copy of which is herewith inclosed.

Your Excellency will observe that there are but two points which have struck Count Lieven as susceptible of any question: the first, the assumption of the base of the mountains, instead of the summit, as the line of boundary; the second, the extension of the right of navigation of the Pacific to the sea beyond Behring's Straits.

As to the second point, it is, perhaps, as Count Lieven remarks, new. But it is to be remarked, in return, that the circumstances under which this additional security is required will be new also.

By the territorial demarcation agreed to in this "Projet," Russia will become possessed, in acknowledged sovereignty, of both sides of Behring's Straits.

The Power which could think of making the Pacific a *mare clausum* may not unnaturally be supposed capable of a disposition to apply the same character to a strait comprehended between two shores of which it becomes the undisputed owner. But the shutting up of Behring's Straits, or the power to shut them up hereafter, would be a thing not to be tolerated by England.

Nor could we submit to be excluded, either positively or constructively, from a sea in which the skill and science of our seamen has been and is still employed in enterprises interesting, not to this country alone, but the whole civilized world.

The protection given by the Convention to the American coasts of each Power may (if it is thought necessary) be extended in terms to the coasts of the Russian Asiatic territory; but in some way or other, if not in the form now presented, the free navigation of Behring's Straits, and of the seas beyond them, must be secured to us.

Inclosure 15 in No. 382.

Mr. G. Canning to Mr. S. Canning.

(Extract.)

Foreign Office, December 8, 1824.

HIS Majesty having been graciously pleased to name you his Plenipotentiary for concluding and signing with the Russian Government a Convention, for terminating the discussions which have arisen out of the promulgation of the Russian Ukase

of 1821, and for settling the respective territorial claims of Great Britain and Russia on the north-west coast of America, I have received His Majesty's commands to direct you to repair to St. Petersburg for that purpose, and to furnish you with the necessary instructions for terminating the long-protracted negotiation.

The correspondence which has already passed upon this subject has been submitted to your perusal. And I inclose you a copy—

1. Of the "Projet" which Sir Charles Bagot was authorized to conclude and sign some months ago, and which we had every reason to expect would have been entirely satisfactory to the Russian Government.

2. Of a "Contre-Projet" drawn up by the Russian Plenipotentiaries, and presented to Sir Charles Bagot at their last meeting before Sir Charles Bagot's departure from St. Petersburg.

3. Of a despatch from Count Nesselrode, accompanying the transmission of the "Contre-Projet" to Count Lieven.

In that despatch, and in certain marginal annotations upon the copy of the "Projet," are assigned the reasons of the alterations proposed by the Russian Plenipotentiaries.

In considering the expediency of admitting or rejecting the proposed alterations, it will be convenient to follow the Articles of the Treaty in the order in which they stand in the English "Projet."

You will observe in the first place that it is proposed by the Russian Plenipotentiaries entirely to change that order, and to transfer to the latter part of the instrument the Article which has hitherto stood first in the "Projet."

To that transposition we cannot agree, for the very reason which Count Nesselrode alleges in favour of it, viz., that the "Économie," or arrangement of the Treaty, ought to have reference to the history of the negotiation.

The whole negotiation grows out of the Ukase of 1821.

So entirely and absolutely true is this proposition, that the settlement of the limits of the respective possessions of Great Britain and Russia on the north-west coast of America was proposed by us only as a mode of facilitating the adjustment of the difference arising from the Ukase, by enabling the Court of Russia, under cover of the more comprehensive arrangement, to withdraw, with less appearance of concession, the offensive pretensions of that Edict.

It is comparatively indifferent to us whether we hasten or postpone all questions respecting the limits of territorial possession on the Continent of America; but the pretensions of the Russian Ukase of 1821 to exclusive dominion over the Pacific could not continue longer unrepealed without compelling us to take some measure of public and effectual remonstrance against it.

You will therefore take care, in the first instance, to repress any attempt to give this change to the character of the negotiation; and will declare without reserve that the point to which alone the solicitude of the British Government and the jealousy of the British nation attach any great importance is the doing away (in a manner as little disagreeable to Russia as possible) of the effect of the Ukase of 1821.

That this Ukase is not acted upon, and that instructions have been long ago sent by the Russian Government to their cruizers in the Pacific to suspend the execution of its provisions, is true; but a private disavowal of a published claim is no security against the revival of that claim: the suspension of the execution of a principle may be perfectly compatible with the continued maintenance of the principle itself, and when we have seen in the course of this negotiation that the Russian claim to the possession of the coast of America down to latitude 59° rests, in fact, on no other ground than the presumed acquiescence of the nations of Europe in the provisions of an Ukase published by the Emperor Paul in the year 1800, against which it is affirmed that no public remonstrance was made, it becomes us to be exceedingly careful that we do not, by a similar neglect on the present occasion, allow a similar presumption to be raised as to an acquiescence in the Ukase of 1821.

The right of the subjects of His Majesty to navigate freely in the Pacific cannot be held as matter of indulgence from any Power. Having once been publicly questioned, it must be publicly acknowledged.

We do not desire that any distinct reference should be made to the Ukase of 1821; but we do feel it necessary that the statement of our right should be clear and positive, and that it should stand forth in the Convention in the place which properly belongs to it, as a plain and substantive stipulation, and not be brought in as an incidental consequence of other arrangements to which we attach comparatively little importance.

This stipulation stands in the front of the Convention concluded between Russia

and the United States of America; and we see no reason why, upon similar claims, we should not obtain exactly the like satisfaction.

For reasons of the same nature we cannot consent that the liberty of navigation through Behring's Straits should be stated in the Treaty as a boon from Russia.

The tendency of such a statement would be to give countenance to those claims of exclusive jurisdiction against which we, on our own behalf, and on that of the whole civilized world, protest.

No specification of this sort is found in the Convention with the United States of America; and yet it cannot be doubted that the Americans consider themselves as secured in the right of navigating Behring's Straits and the sea beyond them.

It cannot be expected that England should receive as a boon that which the United States hold as a right so unquestionable as not to be worth recording.

Perhaps the simplest course, after all, will be to substitute, for all that part of the "Projet" and "Contre-Projet" which relates to maritime rights, and to navigation, the first two Articles of the Convention already concluded by the Court of St. Petersburg with the United States of America, in the order in which they stand in that Convention.

Russia cannot mean to give to the United States of America what she withholds from us, nor to withhold from us anything that she has consented to give to the United States.

The uniformity of stipulations *in pari materia* gives clearness and force to both arrangements, and will establish that footing of equality between the several Contracting Parties which it is most desirable should exist between three Powers whose interests come so nearly in contact with each other in a part of the globe in which no other Power is concerned.

This, therefore, is what I am to instruct you to propose at once to the Russian Minister as cutting short an otherwise inconvenient discussion.

This expedient will dispose of Article I of the "Projet," and of Articles V and VI of the "Contre-Projet."

The next Articles relate to the territorial demarcation.

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With regard to the port of Sitka or New Archangel, the offer came originally from Russia, but we are not disposed to object to the restriction which she now applies to it.

We are content that the port shall be open to us for ten years, provided only that if any other nation obtains a more extended term, the like term shall be extended to us also.

We are content also to assign the period of ten years for the reciprocal liberty of access and commerce with each other's territories, which stipulation may be best stated precisely in the terms of Article IV of the American Convention.

These, I think, are the only points in which alterations are required by Russia, and we have no other to propose.

A "Projet," such as it will stand according to the observations of this despatch, is inclosed, which you will understand as furnished to you as a guide for the drawing up of the Convention; but not as prescribing the precise form of words, nor fettering your discretion as to any alterations, not varying from the substance of these instructions.

It will, of course, strike the Russian Plenipotentiaries that by the adoption of the American Article respecting navigation, &c., the provision for an exclusive fishery of two leagues from the coasts of our respective possessions falls to the ground.

But the omission is, in truth, immaterial. The law of nations assigns the exclusive sovereignty of one league to each Power off its own coasts, without any specific stipulation, and though Sir Charles Bagot was authorized to sign the Convention with the specific stipulation of two leagues, in ignorance of what had been decided in the American Convention at the time, yet, after that Convention has been some months before the world, and after the opportunity of reconsideration has been forced upon us by the act of Russia herself, we cannot now consent, in negotiating *de novo*, to a stipulation which, while it is absolutely unimportant to any practical good, would appear to establish a contract between the United States and us to our disadvantage.

Count Nesselrode himself has frankly admitted that it was natural that we should expect, and reasonable that we should receive, at the hands of Russia, equal measure, in all respects, with the United States of America.

It remains only, in recapitulation, to remind you of the origin and principles of this whole negotiation.

It is not, on our part, essentially a negotiation about limits. It is a demand of the repeal of an offensive and unjustifiable arrogation of exclusive jurisdiction over an ocean of unmeasured extent; but a demand, qualified and mitigated in its manner, in order that its justice may be acknowledged and satisfied without soreness or humiliation on the part of Russia.

We negotiate about territory to cover the remonstrance upon principle.

But any attempt to take undue advantage of this voluntary facility we must oppose.

If the present "Projet" is agreeable to Russia, we are ready to conclude and sign the Treaty. If the territorial arrangements are not satisfactory, we are ready to postpone them, and to conclude and sign the essential part—that which relates to navigation alone, adding an Article stipulating to negotiate about territorial limits hereafter.

But we are not prepared to defer any longer the settlement of that essential part of the question; and if Russia will neither sign the whole Convention nor that essential part of it, she must not take it amiss that we resort to some mode of recording, in the face of the world, our protest against the pretensions of the Ukase of 1821, and of effectually securing our own interests against the possibility of its future operations.

Inclosure 16 in No. 382.

Mr. S. Canning to Mr. G. Canning.

Sir,

St. Petersburg, February 17 (March 1), 1825.

BY the messenger Latchford I have the honour to send you the accompanying Convention between His Majesty and the Emperor of Russia respecting the Pacific Ocean and north-west coast of America, which, according to your instructions, I concluded and signed last night with the Russian Plenipotentiaries.

The alterations which, at their instance, I have admitted into the "Projet," such as I presented it to them at first, will be found, I conceive, to be in strict conformity with the spirit and substance of His Majesty's commands. The order of the two main subjects of our negotiation, as stated in the preamble of the Convention, is preserved in the Articles of that instrument. The line of demarcation along the strip of land on the north-west coast of America, assigned to Russia, is laid down in the Convention agreeably to your directions, notwithstanding some difficulties raised on this point, as well as on that which regards the order of the Articles, by the Russian Plenipotentiaries.

The instance in which you will perceive that I have most availed myself of the latitude afforded by your instructions to bring the negotiation to a satisfactory and prompt conclusion is the division of the IIIrd Article of the new "Projet," as it stood when I gave it in, into the IIIrd, IVth, and Vth Articles of the Convention signed by the Plenipotentiaries.

This change was suggested by the Russian Plenipotentiaries, and at first it was suggested in a shape which appeared to me objectionable; but the Articles, as they are now drawn up, I humbly conceive to be such as will not meet with your disapprobation. The second paragraph of the IVth Article had already appeared parenthetically in the IIIrd Article of the "Projet," and the whole of the IVth Article is limited in its signification and connected with the Article immediately preceding it by the first paragraph.

With respect to Behring's Straits, I am happy to have it in my power to assure you, on the joint authority of the Russian Plenipotentiaries, that the Emperor of Russia has no intention whatever of maintaining any exclusive claim to the navigation of those straits, or of the seas to the north of them.

It cannot be necessary, under these circumstances, to trouble you with a more particular account of the several conferences which I have held with the Russian Plenipotentiaries, and it is but justice to state that I have found them disposed, throughout this latter stage of the negotiation, to treat the matters under discussion with fairness and liberality.

As two originals of the Convention prepared for His Majesty's Government are signed by the Plenipotentiaries, I propose to leave one of them with Mr. Ward for the archives of the Embassy.

I have, &c.

(Signed) *69* STRATFORD CANNING.

